Appendix II.

***Vide* Answer to Question No. 41.**

Copy of letter Dis. No. 1648 of 1923/Revenue, dated the 8th December 1923, from the Chief Secretary to Government to the Land Revenue and Income Tax Commissioner.

With reference to your letter R. O. C. No. 3050/23/L. R., dated the 18th September, 1923, *re* the order in which movables and immovables should be proceeded against for collection of revenue under the Revenue Recovery Regulation, I have the honour to inform you that this point also was considered by Government in connection with the passing of the Amending Regulation, X of 1097. The opinion then recorded by the Additional Head Sirkar Vakil and acted upon by Government was the following :—

"So far as the power of attachment of properties is concerned, the Regulation gives the discretion to Revenue authorities to proceed against movable properties or immovable properties; there is no provision which requires that movable properties shall be primarily proceeded against. The discretion vested in the Revenue Officer under Section 5 of the Madras Act is also conferred by Section 5 of the Regulation. No amendment is necessary on this point."

Government accept the above view expressed by Mr. Subba Aiyar. I request that you will be so good as to issue the necessary orders accordingly, in the matter, for the information and guidance of the officers concerned.

LEGISLATION.

THE TRAVANCORE CINEMATOGRAPH BILL.

DEPUTY PRESIDENT: We will now resume the consideration of the Cinematograph Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, we have been at the consideration of clause 6, sub-clause (2) of the Bill and an amendment was moved by Mr. P. K. Narayana Pillai for deleting that sub-clause. It was also supported by Mr. Madhavan Pillai and Mr. Mammen Mappillai and Mr. Matthew. I now proceed to oppose it and shall briefly state my grounds for doing so.

The Sub-clause which is sought to be omitted runs thus :—

"If any person is convicted of an offence punishable under this Regulation committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government."

It will be seen from the express wording of the Section that the object of that provision is to give the convicting court a discretionary power to confiscate the film with which the offence was committed or, in other words, to enable the Magistrate, in a fit case, to take the film

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out of the hands of a person so that he or anybody else may not be able to commit a similar offence with it. As has been explained at the time of the introduction of the Bill, the main purpose of the Bill is to prevent the exhibition of objectionable films as also—

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, may I know whether the Law Member has any idea as to what a film would cost?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, I think I have some idea.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know the minimum cost required for manufacturing a film?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Say about Rs. 10,000, ordinarily. As I was saying, the object of the Bill is to prevent the exhibition of objectionable films as also to prevent the exhibition of any films in objectionable places. The former is meant for the moral welfare and the latter for the material benefit of the people. It is provided in the Bill that if any one exhibits an objectionable film, he should be punished with fine which may extend to Rs. 1,000 for the first day and a hundred rupees daily for every subsequent day, the object of the punishment being, of course, that a repetition of the offence should not take place. That same preventive or deterrent purpose must dictate to us that the instrument with which the offence was committed must be taken out of the hands of the offender, if the Magistrate thinks that that also is necessary in any case.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Suppose a man repeatedly attempts to commit suicide, would you take his life away as a punishment?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not an analogy at all. We would perhaps take away the knife or other instrument from him. Even that is not an analogy of course. For, in this case, the film is sought to be taken away because the film is the very offence itself if I may so call it and taking it away would effectively prevent the offence. The film is sought to be taken away not for the profit or enrichment of the Government or to ruin the offender, but only to prevent him from continuing the offence. No doubt, it acts also as a deterrent inasmuch as the offender is virtually told that if he commits the offence he runs the further risk of losing the film itself besides the liability to pay a fine.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Would he read the orders of the Government on the administration of Criminal Justice?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are not in my possession now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I do not want him to read now. Has he read the orders?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, I have read them.

MR. K MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Have they not stated that the offence against special and local laws are mere unsocial acts bereft of criminality, and that it is only a technical offence ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May be. But that has no bearing on the present question. Whether unsocial acts or criminal acts or immoral acts, the exhibition of the objectionable film has to be prevented.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : For that purpose you take away 10,000 rupees worth of property?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, if that becomes necessary or unavoidable.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Will he mention any other offence for which confiscation of property is prescribed ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Confiscation of property, generally? Yes. I can remember one—waging war against the State. But, the present is not a case of confiscation of property in that sense. This is only removing an objectionable thing, a thing required for committing an offence.

MR. A. K. PILLAI (*Karunagapalli*) : Is it not possible to conceive that the film which might be considered objectionable in a certain place under one set of circumstances, might not be equally objectionable in a different place under a different set of circumstances? So the confiscation need not be made obligatory.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is not obligatory at all. The court will use its discretion. The Magistrate is not bound to confiscate in every case. He will do it only in a fit case.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If this film is confiscated in Travancore, would the owner be able to exhibit it in any other place outside Travancore ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The same film will not be available for exhibition anywhere else.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Is this technical offence to be viewed with the same heinousness as waging war against the State ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. It is not so viewed. The punishment for this offence is only a fine and, in a fit case, the forfeiture of the film. But the property of a person, the property that will be forfeited if he commits the offence of waging war, will not be affected at all.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : What is the object of punishment ?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Punishment is for the prevention of offence and the reformation of the offender.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : What is deterrent punishment ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is one which will deter people from committing an act.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : How do you punish him then ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Punishment is in some sense an injury committed to a person, an injury lawfully committed.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Do you really injure a man who commits an unsocial act or ruin him ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He has to be. Even the infliction of the fine which the member does not object to, is an injury. But all these questions do not arise here.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Don't you punish his heirs and successors by taking away his property ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, if a man's property is taken away, his heirs may suffer.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Does not your punishment extend to his heirs and successors as well ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may or may not. But as I said already, all these things do not arise here. I am proposing to take away only the class of property with which an offence is committed, and which is kept as property only for committing an offence.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : (*Speaking without rising from his seat.*)

DEPUTY PRESIDENT : Mr. P. K. Narayana Pillai, if you want to put a question, please stand up and put your question.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*) : Does the clause contemplate the confiscation of objectionable films only ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Films that are objectionable and those that are exhibited in objectionable places—films in respect of which a conviction is entered.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : Is it necessary that all objectionable films should be confiscated ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Not at all. It is left to the discretion of the Magistrate to confiscate a film or not.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : What is the object of the confiscation ?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That I have already explained.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Can the Magistrate ask another man to confiscate it?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, he cannot.

Suppose the film is indecent or lewd, then, should not the court have power to confiscate it? Or again, suppose a person exhibits a film in an objectionable place, the punishment for the first day cannot go beyond a fine of Rs. 1000; and if he continues to commit the offence, then the fine may be up to Rs. 100 per day. Even then, how is the law going to be effectively carried out, if the offender proposes to continue the exhibition paying a daily fine? A man may exhibit an objectionable film and get Rs. 500 every day and may easily pay off the daily fine of Rs. 100. In such cases, if a person defies the law and continues to commit the offence, it should be open to the Magistrate to say "you shall not continue the offence and therefore I confiscate the films themselves."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Can it not be prevented?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is no Section in the Bill to stop an exhibition. If it is not exhibited in objectionable premises, in places which are liable to catch fire or in insanitary places, but where the exhibitor can get Rs. 500 every day, he can afford to pay a daily fine of Rs. 100. If so, how is anybody going to prevent the offence from being repeated?

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : If an order is passed to the effect that a man will be fined if he continues the offence, is there not a law to prevent the man repeating the offence?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not that I can think of, unless we have a provision like the one I am contending for.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : Is there not a provision?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : Does the member mean that the confiscation of a film is made only when it is unfit for show or it is made even when a proprietor of a film exhibits it in contravention of the rules?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The film itself may be objectionable or a film may be exhibited in objectionable places.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : So you confiscate a film not only when it is unfit, but also when it is exhibited in an objectionable place?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, you may. But it is not compulsory to confiscate it.

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MR. K. SIVARAMA PANIKKAR (*Shertallai*): Are you not taking away the whole property of the possessor thereby?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; not the whole property but only that particular property.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): The whole film?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*: Yes, the particular film.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Then, are you not ruining the man?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, it is not ruining. It is meant only to prevent the man from committing the offence.

DEPUTY PRESIDENT: Mr. Sivarama Panikkar, you are arguing with him. This cannot be allowed under the rules. You can only put a question.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does he mean to ruin the man wholly or only to punish him?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I want to prevent the offence and to put one more punishment for a wilful offence.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does it not mean that the man is being actually ruined?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. But supposing it does, it can't be helped. We must have some effective means to stop the offence, which, by this Bill, this House wants to prevent.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): It is exactly for that that I put my first question. If the exhibitor is fined once or twice, then is there no law to see that the offence is not repeated?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, there is no such law.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): By passing this law, are we not making an offender helpless?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. We are only stopping the offence.

MR. C. P. THOMAS (*Nominated*): Will the Magistrate confiscate only the particular film or all films?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Only the particular offending film.

It has been said that the confiscation order would ruin the family of the offender. There is no such thing, unless we want to say that a man's family shall be maintained out of the profits of an offence even though we want to prevent that offence. The House wants to see, I am sure, that this particular offence is not continued. Would the House then desire him to continue the offence and out of the proceeds of that offence maintain his family? Or, in other words, is it proper that a man should commit an offence because he has a family to maintain?

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask the Law Member whether it will not be sufficient if the fine proposed on account of the repetition of an offence each day is enhanced considerably high so that it may be prohibitive?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a matter of opinion. If you raise it to say Rs. 5,000, one may consider it sufficiently high. Another may consider that it should be raised to Rs. 10,000. But even in that case the argument of ruining the family would come in. As I said already, confiscation is not at all obligatory on the Magistrate. It is only when he finds it impossible to prevent the exhibition otherwise, will he confiscate it. Though he is bound in every instance to punish an illegal exhibition, he is not bound in every case to confiscate the film. It is only when a man defiantly and wilfully continues to exhibit an objectionable film or a film in an objectionable place that the Magistrate is likely to order it to be confiscated. What then is the objection?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Does not the Regulation require the confiscation of a film for its being exhibited in an objectionable place?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. It does not *require*. But even in such cases, confiscation *may* be ordered in a fit case.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not better to restrict the powers to be vested with Magistrates to specified occasions?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it is advisable or practicable to restrict it more clearly.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): As it stands, cannot the court confiscate the film even for a technical offence?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. It can, as it can impose a fine of even a thousand rupees for a mere technical offence. But it is not going to happen. The court will exercise discretion.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I ask the Law Member whether it is not better for this House itself to state the conditions under which the court may use the discretionary power?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If this House agrees with me in thinking that the exhibition of objectionable films or exhibition of any film in objectionable places should be prohibited, I do not think it will be necessary to put the confiscation provision more clearly than it is done at present.

As I said, our main purpose is to prevent the offence. Suppose the film is lewd and obscene or seditious. The Board consisting of officials and non-officials can only say that the film should not be exhibited and can only refuse to certify it. The Board cannot actually check the exhibition of the film. There is no use in a Board saying that the film should not be exhibited unless there is some means effectively to carry

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out that order. A mere fine of even Rs. 100 may not be sufficient if, for instance, the offender thinks he can make a profit even after paying the fine. So then, if the law and the orders of the Board should be effectively carried out, there must be some power in the hands of the Magistrate to consficate the films, the instrument of the offence itself—a power which may be exercised in a fit case.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I inform the Law Member that Mr. Joseph's suggestion was that the Magistrate should be given this power only if the offender repeats the offence and not in the first instance?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I appreciate that suggestion, but I believe that it may in some cases be necessary that the film should be confiscated even in the first instance. Take the case where the Board expressly declares that a film is lewd and shall not be exhibited. Even in spite of this order suppose the proprietor defiantly exhibits the film. Is there anything wrong in ordering the confiscation of the film even on the first conviction?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from the Law Member whether there is not a provision in the Criminal Procedure Code to destroy objectionable matter in relation to offences under the Penal Code?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is with respect to offences committed under the Penal Code but not under this Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If it is obscene?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It depends upon the circumstances of the case.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May I know whether those cases cannot be specifically provided for?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Obscenity is only one reason. There may be other reasons also. Take for instance a film which is likely to bring some particular religions into hatred or contempt.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): May I know why such cases also cannot be provided for?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not practicable or possible to enumerate all these cases in detail. Suppose a war is going on and a film is exhibited which tends to discourage recruiting or to bring the nation into contempt, or to hold our enemy to admiration. The Board will not certainly pass such films. But it will be impossible for us to conceive of all such possible cases.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Are they not special circumstances and cannot exception be made in such cases?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not by specific provision in the Bill. That is why only a discretionary power is vested with the Magistrate.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether Section 290 of the Travancore Penal Code does not provide punishment for selling or distributing, importing or printing for sale or hire or *wilfully exhibiting to public view any* obscene book, pamphlet, paper, *drawing, painting or representation or figure*? Is that punishment not enough?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a specific instance covered by the Penal Code. There may be other cases also. That is why we are passing the present Bill.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): In the case of a man who repeats committing theft even after punishment, what is the law going to do?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He may be given an enhanced punishment.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Has the law any provision for confiscating all his property?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Nor are we going to confiscate all his property here; we are going to confiscate only the particular film.

Then as regards the objection that the family of the owner of the film will be hit, I believe we are really doing rather a benevolent act by enacting this provision. If the film is in the hands of a determined offender, he will have a temptation to continue the offence. Thereby he runs the risk of paying a fine of money which otherwise would go to the maintenance of his family. Thus, by taking away the film we are really conserving the lawful wealth of the offender and thus conserving the means of maintenance of his family. A benevolent act, of course. But that apart, a family should live on an honest profit and not on the gains of an offence?

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know whether the law member did not copy this provision from the British Indian Act?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): How old is that Act?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe it was enacted in the year 1918. It is therefore eight years old.

There are similar provisions in the corresponding Regulations in Mysore and Pudukotta. We have never seen any real hardship arising out of this provision in those countries. Because, as here, there also, it is but a discretionary power that is vested in the Magistrate.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know whether it will not be sufficient if the license is cancelled?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What will happen if, even after the cancellation of the license or without even any license at all, the owner exhibits or continues to exhibit the film ?

DEPUTY PRESIDENT: He may exhibit it in unlicensed premises.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. And he will have to pay but a fine which may be very small after all. What is the use of cancelling the license if we cannot effectively prevent the commission of the offence ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If after punishing a man for theft he still commits theft, what is the use of the provisions of the Penal Code ? Is it an argument ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There, you cannot do anything more than imprison the offender. Here we can. We can effectively stop the offence by taking away the condemned film. So there is no analogy.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know whether there is a provision to confiscate motor cars if they run without license ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may or may not be. We are not now concerned with the provisions regarding motor cars here. We are concerned with a film which admittedly is a condemned one and which should not be exhibited in a particular place. It is not like a motor car. If this House is going to say that the offence should not be committed and should be prevented from being committed, I cannot see any reason why a power should not be given to the courts to pass an order to the effect that the film shall not be available to anybody for the commission of the offence. That is what we are doing by confiscation. It is an effective prevention and certainly a deterrent too.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the punishment for habitual theft in proportion to the severity of confiscation of property ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe the maximum punishment is seven years.

I think that the real difficulty arises from the fact that this case of confiscation is being confused with the confiscation of a man's property under the Penal Code. This is not a confiscation at all in that sense. It is a confiscation of a particular film only, a film which is but the instrument for making illegitimate and unlawful gain. It is not the confiscation of a property from the fruits of which a family may legitimately live or is expected to live.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know what the Government are going to do with the property which will be worth more than ten thousand rupees ?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not expressly provided for in the Bill. The House may say what should be done. As it stands, the Bill says only that the film should be confiscated.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is it not better that the Sessions Court or the High Court be vested with this power rather than the Magistrate's Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be or may not be; but there is no such amendment before the House.

DEPUTY PRESIDENT: Even if the power is given to the Magistrate, the party may appeal to the Sessions Court or the High Court.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. If that is granted, the Magistrate also may be given the power of confiscation.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Is not the law relating to confiscation of property under other Regulations, such as the Forest Regulation, applicable to this Regulation?

DEPUTY PRESIDENT: That law cannot apply to this.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Suppose the owner of a film lets it to a third person and a lessee commits the offence, will it not be hard upon the owner if the film is confiscated?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may or may not be hard according to the circumstances of the case. If the owner knew that the film is objectionable or ought to have known that the film is objectionable, then it will not at all be hard. All these things will be considered by the Magistrate before passing an order. That is why only a discretionary power is given to him. It is not obligatory on his part to exercise the power. The only question for the House to consider is whether an objectionable exhibition or any continuance of it should not be effectively prevented. If this House agrees with me in thinking that an objectionable exhibition should not be allowed, then it seems to me that a discretionary power as contemplated should be vested in the Magistrate.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I ask the Law Member whether he knows that many of the films which are exhibited here are hired ones and not the property of those who exhibit them?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Generally it is so. But hired films are not less objectionable for that reason. However, if that is the real hardship, the Magistrate may be appealed to. The Magistrate will not confiscate the film in such cases.

DEPUTY PRESIDENT: Does anybody wish to speak?

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It appears to me that the provision under discussion is likely to lead to very great hardship to cinema exhibitors, especially in Travancore. We have here no permanent cinema houses or electric palaces in any of our towns. Occasionally, during the hot weather, an itinerant cinema exhibitor comes to our towns and exhibits his films. He might have exhibited these films in a hundred other places outside Travancore. A fastidious Magistrate might think that a particular film is objectionable or injurious to public taste.

DEPUTY PRESIDENT: Whether the film is objectionable or not is to be decided by a Board and not by the Magistrate.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I will then say a fastidious Board followed by an equally fastidious Magistrate might think that the film is injurious to public taste and then the owner will be deprived of that film which would probably have cost him Rs. 10,000 according to the Law Member. I should consider it a very great hardship indeed. If we had many cinema houses in Travancore, and if it became common in these houses to exhibit indecent films, then we might justifiably introduce such a drastic provision in the law. No such necessity has arisen here. This law will therefore fall heavily upon the itinerant cinema exhibitors. It will be very hard to deprive them of these valuable films simply because they commit an offence under this Act.

DEPUTY PRESIDENT: How will you prevent an itinerant man who is prepared to pay a fine of Rs. 100 and to exhibit the film?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I do not think that human nature is so depraved.

DEPUTY PRESIDENT: Supposing he is making a profit of Rs. 500 daily, he will be prepared to pay a fine of Rs. 100 daily. We cannot then say that this punishment will alone be enough to prevent an ordinary and reasonable man from committing the offence.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): The Penal Code has sufficient provisions to punish such a man. If he persists in committing such an offence, his license may be cancelled.

DEPUTY PRESIDENT: Supposing he does so.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I do not think the case will ever arise. Men will not be so unreasonable as to exhibit the films at the risk of their licenses being cancelled. But if in spite of punishment and cancellation of license, they still persist in committing the offence they could not be considered to be in their senses and they deserve only to be sent to the lunatic asylum. I think the conviction will be quite sufficient in a matter of this kind. But the confiscation of the film which is a very valuable article is too severe a punishment.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Cannot the law be amended in the light of experience?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Yes, certainly. I therefore support the amendment.

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In supporting the amendment, I desire to draw the attention of the Government and the Law Member to one aspect of the matter. These films are manufactured elsewhere and I am sure that before they are sent out to Travancore the necessary censoring would have been done elsewhere also. In other words, we need not apprehend so much of public danger arising from the exhibition of cinema films in this country, unless it be that some one takes it into his head to see that a particular film of a highly objectionable nature is manufactured and then got down specially for Travancore for exhibition. Such a serious apprehension will be entirely out of place. The fact is, as shown by experience, some people come from outside for cinema exhibition and others in Travancore hire out certain films from outside and exhibit them here. In such cases, there need be no reasonable apprehension of any danger as stated by Mr. Paramesvaran Pillai.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know from Mr. Paramesvaran Pillai whether it is not possible for films which are unlicensed outside Travancore to come into Travancore?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. That is exactly why I said that unless it be that people elsewhere manufactured films of an objectionable nature and which are unlicensed elsewhere on that account and which are dumped into Travancore, so that they may secure a trade in Travancore, we need not go in for such a provision. We have only to legislate under reasonable circumstances. Is it reasonable for us to suppose that there will be persons coming forward who will manufacture films of an objectionable nature or at any rate they will be on the look-out to find out a corner in the world where a law of confiscation does not exist and then think of dumping them all in such a place? My view is that we can very well dispose of that matter without having any very serious apprehension about it. The fact is, as I have already submitted to this House, these films that are exhibited in Travancore are generally films which have already been exhibited in British India and other places where they would have undergone a proper censoring. As Mr. K. I. Joseph said, there may be films which are unobjectionable elsewhere but which may be objectionable in Travancore. In such cases, what is the remedy? We should give notice of the fact to the other man. We should know exactly that it is punishable in Travancore. He may have exhibited it here and if he does commit an offence and if he has no intention of repeating that offence, the extreme punishment of confiscation need not be resorted to.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirker Vakil*): The Magistrate will not do it in such a case.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The Magistrate has got power to go either way and our experiences are that the lower Magistracy especially are not above suspicion.

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DEPUTY PRESIDENT: Is there not the safeguard of the higher Magistracy?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Even the highest tribunal on the question is a First Class Magistrate.

DEPUTY PRESIDENT: Is there not the High Court with its revisionary power?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The High Court has no revisionary power except in the case of irregularities. Even then, the revisionary body of the High Court may say that the discretion has been well exercised and judicially exercised and that they see no reason for interfering with that discretion.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Suppose the convicted man is unable to put in any appeal at all?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is that matter also.

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai, your point is that there should be such a provision only if the man repeats the offence, and that this may be done by amending the law afterwards, if necessary?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. But to suppose that forthwith the cinema exhibitor will act unreasonably and therefore we must have such a confiscatory provision is going too far, especially in Travancore where such dangerous cinema exhibition is practically unknown.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I support the amendment. I believe the Law Member also would admit very easily that the amendment is necessary if he could eschew the thought from his mind that there is an identical provision obtaining in British India. If I happened to be one of the members of the legislature there, I might be rather inclined to see eye to eye with the Law Member when he stoutly opposed the amendment. But the conditions that are liable to arise in British India could never arise here. For example, we hear of so many instances where there is communal tension between various parties or a dispute between one party and another or a spreading rumour of an imaginary war between the Suzerain power and the Turks. There, these things are liable to create hatred in the minds of the people towards the power to whom they owe allegiance. There, all on a sudden, an unforeseen and emergent occasion might arise where a film might be objectionable, as for instance, the representation of the Turks running at the necks of the whitemen. This may appeal to a certain section of the Mahomedan community elsewhere. Similarly, the whitemen who are the rulers may feel insulted, for instance, when the son of a big boss is exhibited as playing with a Negro or a black man. In order to maintain the prestige of the white people, they may not like it. In British India, therefore, I can understand that the provision was introduced with a purpose. But here, I believe there is no warrant for it. For here, after all, I believe Mr. Habeed Mahomed

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would be moving quite affectionately with me even though there may be war in Egypt or between the English and the Turks. There has absolutely been no religious conflict here, as in British India. I believe these are a few of the instances contemplated by a similar section in the British Indian Act; but here there is no such necessity. When the necessity arises, I believe, then we can have that provision. At present, no cinema films are manufactured in Travancore. Further, as my friend Mr. G. Parameswaran Pillai suggested, the films that are exhibited in Travancore are all censored elsewhere. As such, I believe the defence on the part of the Law Member will be considerably mitigated if he were to rid his mind of the thought that there is the provision in the British Indian Act. So, I have great pleasure in supporting the amendment.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Sir, this clause gives unnecessarily wide powers to the convicting court. With regard to the question of forfeiture, especially in a case where the whole livelihood of a person and his family may depend upon the particular film, I may say that it should be exercised only in extreme cases, if at all, and it is necessary that those cases should be specifically stated. As it stands now, even for a mere technical offence, the convicting court can exercise the power of forfeiture. Even if it is granted that the power of forfeiture should be given to the convicting court, it should be only under exceptional circumstances and those exceptional circumstances should be specially stated in the Regulation itself. Otherwise, there is very great likelihood of our Magistrates going astray under feelings of sudden impulse or otherwise to pass very rigorous orders on the persons exhibiting these films. So, it is necessary that the cases where the forfeitures are to occur should be specifically stated. If it is a case of continuing offence, where a person after repeated convictions still commits the offence, there might be some justification for imposing such a heavy penalty. But the clause as it stands now should not be accepted by this House. The arguments of the Law Member need be considered only if the circumstances of forfeiture are made quite specific.

MR. A. K. PILLAI (*Karunagapalli*): Sir, after having listened to the arguments on either side advanced by men who know the law on the subject, I as a layman feel that the objection that is raised against this clause has arisen from a misapprehension that this confiscation is an enhancement of the punishment imposed upon the offender. I view the matter in a different light. The film that is unlicensable is the cause of the offence. I may even describe it as the potential offence, which becomes the real offence the moment it is operated. My friend Mr. Sivarama Panikkar asked whether there will be confiscation in the case of a motor car which has no license. Only if the motor car is in such a bad condition that it is not licensable, and if that motor car is run, it may be confiscated.

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MR. K. SIVARAMA PANIKKAR (*Shertallai*): Will the member enlighten me as to the Regulation under which it can be done?

MR. A. K. PILLAI (*Karunagapalli*): I must confess absolute ignorance as regards the Regulations. Is it not possible to conceive of a motor car in a very bad condition for which no license could be granted, not because it is not applied for but because even though it was applied for no license could possibly be given having regard to the nature and the condition of the vehicle?

MR. M. SIVATANU PILLAI (*Tovala*): Has Mr. A. K. Pillai any objection in confiscating a damaged motor car without efficient brakes, etc.?

MR. A. K. PILLAI (*Karunagapalli*): In the case of a motor car which is allowed to run at a very great risk to pedestrians and passengers the Government will not give license to it. We cannot expect the licensing authority to give any license to a film which is objectionable for exhibition.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member thereby mean that these films are confiscated only when they are unfit for exhibition?

MR. A. K. PILLAI (*Karunagapalli*): Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does he know—as I understood from the Law Member—it is not only in such instances, but in other cases also, the films are confiscated, that is to say, when the proprietor repeats the crime of exhibiting the film without a license and exhibiting in places which are not licensed although these films are licensable?

MR. A. K. PILLAI (*Karunagapalli*): I do not quite follow.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): My point is that even though films are exhibited in unlicensable premises, these films are liable to be confiscated.

MR. A. K. PILLAI (*Karunagapalli*): Provision is made here to confiscate films which are considered objectionable.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Will Mr. A. K. Pillai read the Section itself once again?

MR. A. K. PILLAI (*Karunagapalli*): There has been a good deal of misapprehension in the existing provision in imposing an additional punishment of Rs. 100 as fine. We have to remember here that the film is a thing from which money is made and I can cite instances in which there was great monetary inducement to exhibit a prohibited film. An Indian film was exhibited in Cape Town in which the subject matter was the belabouring of an Indian woman by her husband. That was appreciated by the white settlers there and Indians raised a hue and cry. Eventually, the film was prohibited by the Magistrate. Supposing that film was admitted once again, I am sure the film-owner would have made enormous money although it was objectionable from the very nature of its exhibition to the outside public. So my point is

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that punishment of Rs. 100 as fine is nothing and is not effective as deterrent. It is not punishment in the ordinary sense of the term. We are punishing a man for transgressing the rules. He may be able to make more than Rs. 1,000 by using the film again.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Will he be satisfied if the fine is raised to Rs. 500?

MR. A. K. PILLAI (*Karunagapalli*): No.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): If all his income is confiscated, will he be satisfied?

MR. A. K. PILLAI (*Karunagapalli*): No, that is not my point. Even the very material with which the offence is committed must not be given license for show. That potential offence, which becomes the real offence, should be taken out of his possession.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Suppose a man trespasses the compound because he has life and can court death, will you take away his life in order that he may not trespass again? (*Laughter.*)

MR. A. K. PILLAI (*Karunagapalli*): If the trespass will involve the death of others, then, certainly the trespasser deserves to be killed. In all such cases, it is the interest of the majority that we should care for. This is one of those extraordinary cases in which any sort of leniency would be misplaced kindness. The cinemas have got very great and subtle influence and might be used for the moral advancement of the people or for the reverse of it. Therefore, we have to safeguard the moral well-being of the people by providing against the abuse of films. This provision is therefore absolutely necessary. Mr. Changanachery Parameswaran Pillai objected to this provision mainly out of want of confidence in our courts of justice.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the arguments that he is now advancing are not parallel to the arguments advanced by the Law Member in favour of the Newspapers Regulation?

DEPUTY PRESIDENT: I cannot allow that question. We have nothing to do with that now.

MR. A. K. PILLAI (*Karunagapalli*): I do not deny that there is the possibility of this Regulation or any Regulation for that matter being misused. That is no reason why we should not make necessary provisions in the interests of the society. Any officer may abuse his powers. We have other means to check such abuses. The only question now is as to the best provision that we could make. In this particular case, I feel, and I feel strongly too, that if we allow the owner of an objectionable film a chance to repeat exhibitions of that film, though at the risk of punishment, the material inducement to make money will have greater force in the owner than the fear for punishment. He will try his best to make as much money as possible and will not care much for the fine of a few hundred rupees that you are going to inflict on him.

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The idea of property, and rights over property, were then imported into the discussion. I am at a loss to see how we could consider such objectionable films as property at all. When we consider them to be objectionable, they are like uncurrent coins and are valueless as money. They are not fit for enjoyment. Having declared that a particular film is objectionable and should not be exhibited, if we allow the owner to keep it with him, it will be something like allowing a man who has counterfeit coins in his possession to keep them and make use of them if he likes. Why do we punish the offender in such a case? We punish him for transgressing the law and for making use of counterfeit coins. The very object of the punishment is to prevent counterfeit coins being made use of. In the same way, the moment we declare that a particular film is objectionable and could not be made use of by anybody, it ceases to be property and is of no value.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Is Mr. A. K. Pillai in favour of forfeiture in all cases or only in cases of objectionable films Is he in favour of forfeiture even for technical offences like failure to obtain licenses, etc.? I would request my friend to read the whole clause as it stands.

MR. A. K. PILLAI (*Karunagapalli*): The sub-clause reads as follows:

"If any person is convicted of an offence punishable under this Regulation committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government."

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): He is reading only the sub-clause.

MR. A. K. PILLAI (*Karunagapalli*): The amendment relates only to this sub-clause. That is why I confine my attention to it.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I point out to my friend Mr. A. K. Pillai that the forfeiture under sub-clause (2) extends to offences committed under sub-clause (1) also? It reads thus:

"If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Regulation, or the rules made thereunder, or of the conditions or restrictions upon, or subject to which any license has been granted under this Regulation, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues, and his license (if any) shall be liable to be revoked by the licensing authority.

If any person is convicted of an offence punishable under this Regulation committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government."

May I know from Mr. A. K. Pillai whether he is for forfeiture of the film even in the case of a small technical offence?

MR. A. K. PILLAI (*Karunagapalli*): I will be the last person to support it in such cases.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Under such circumstances, is it not better to state specifically the conditions under which forfeiture may be made?

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MR. A. K. PILLAI (*Karunagapalli*) : It is for the Law Member to consider that question. My only point is that the provision for confiscation should not be taken out altogether. If any suitable modification is possible, I have no objection for that being made.

MR. K. I. JOSEPH (*Minachil cum Devicolam*) : If the Law Member is not willing to accept the amendment suggested by Mr. Raman Menon, will Mr. A. K. Pillai support the clause as it stands now ?

MR. A. K. PILLAI (*Karunagapalli*) : With all the emphasis I can command, I would certainly appeal to the Law Member to accept his amendment. At the same time, I would also suggest the desirability of deleting the word 'forfeiture' and making a provision for the objectionable film being *detained* in the court until the court passes other orders about it. There are instances in which a film may be considered objectionable at one time as tending to create disaffection towards the Sovereign. The same film may at a subsequent time cease to be an objectionable one and might even be of great educative value, in showing to the people examples of great men who are prepared to undergo considerable sufferings for the sake of their country. In such cases, it would certainly be desirable to allow the owner of the objectionable films at least after it has ceased to be objectionable. That is the reason why I suggest that, instead of absolute confiscation, the court might be empowered to *detain* the film until they pass orders otherwise.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Is my friend Mr. A. K. Pillai proposing an amendment ?

MR. A. K. PILLAI (*Karunagapalli*) : No. I am just suggesting it for the consideration of the Law Member, the mover of the Bill. I accept the principle involved in the provision since any leniency shown in this matter would be misplaced leniency. We have to safeguard the moral interests of the public. If the action of a person is likely to demoralise the people, we have in his own moral interest and in the moral interest of the public to prevent him from continuing his trade. We have to care more for the moral interest of the larger number of people than the material interests of one man or a few men. I therefore suggest that the principle of the clause may be accepted as a whole. Instead of confiscating the film, the court might be given the power to detain the film until further orders from the court. For a film which is considered objectionable at a particular time need not continue to be objectionable for all time to come and under all circumstances. And hence my suggestion.

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : Sir, a layman like myself has my own apprehensions to tread upon forbidden grounds. Still I wish to say a word or two in support of the amendment. My friend Mr. A. K. Pillai seems to have expressed his opinion under a misapprehension that, under the present provision, films are liable to be confiscated only when they are unlicensed or are unlicensable. But neither the clause nor the explanation by the Law Member has impressed me that it is so.

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MR. T. J. MATTHEW (*Changanachery cum Peermade*): Will Mr. Sivarama Panikkar kindly read out clause 6 for the edification of Mr. A. K. Pillai?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Why should I read it for the edification of Mr. A. K. Pillai? I do not find any necessity for that.

According to the provision in the Bill, films are liable to be confiscated on other grounds also. The object of punishment is to prevent the wrong-doer from committing the crime. It is hard to suppose, especially at this time when the world all round has so far advanced, that a man will be of such a knavish or depraved character as to repeat the offence even after punishment has been inflicted upon him.

DEPUTY PRESIDENT: Offenders repeating offences is a matter of every-day occurrence.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I never thought that my friend Mr. A. K. Pillai, who is so very optimistic about the virtues of the human society, would say that it was likely that an offender might repeat the offence even after punishment.

MR. A. K. PILLAI (*Karunagapalli*): May I point out to my friend that I am optimistic about the fundamental goodness of the average man. But here is an abnormal human being who wants to make money by illegal and immoral means.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): To make money is not abnormal. It is quite normal.

MR. A. K. PILLAI (*Karunagapalli*): May I remind my friend that I specially qualified my statement by saying that the offender seems to make money by *illegal and immoral means*?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): He is not making money by illegal means. Once it is brought to his notice that it would be illegal for him to make money by exhibiting a particular film, he keeps back for fear of punishment. Moreover, there is another provision under which the offender is liable to be fined if he repeats the offence. If, in spite of all this, he repeats the offence, the film may be taken and kept in the custody of the Government while the offender is being tried in a court of law to be punished for his offence, if any.

MR. A. K. PILLAI (*Karunagapalli*): May I point out that the material inducement to use the film and to earn money thereby will be far greater than the fear of physical pain or of the fine imposed as punishment?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I beg to differ from Mr. A. K. Pillai in that respect.

DEPUTY PRESIDENT: That is safer. (*Laughter.*)

MR. K. SIVARAMA PANIKKAR (*Shertallai*): It is not likely that a man who has invested tens of thousands of rupees would not care for his self-respect and would risk it for the sake of a few rupees. Therefore, according to me, the physical pain due to the punishment would have

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much greater force than the material inducement to make money. I therefore beg to differ from Mr. A. K. Pillai in that matter. Therefore, what I would rather suggest—being a layman I am afraid to make any suggestion—from the commonsense point of view is that the punishment of confiscation is rather very severe. The property may belong to the offender himself or his children may have the right to enjoy it after his life-time. Therefore, while you confiscate the property you are ruining not only the offender himself but his whole family. That is rather very hard. I am reminded in this connection of Shylock's speech in the Merchant of Venice wherein he has stated that by taking away his property the Government are taking away his life itself. What he said was no exaggeration. It is certainly very hard to confiscate one's property, especially in the case of a benevolent and cultured Government like ours. I think we should consider the question in the light of that aspect of the case and amend the provision accordingly.

MR. M. SIVATANU PILLAI (*Tovala*): Am I to understand from Mr. Sivarama Panikkar that the ownership and other rights over property should be jealously safeguarded by this legislature or should be left to the discretion of the Magistrates?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): The legislature should jealously safeguard rights over property and should also make ample provision for the Magistrates to use their discretion.

MR. A. K. PILLAI (*Karunagapalli*): May I point out to my friend that when he referred to the speech of Mr. Shylock and spoke about the jealous safeguarding of rights over property, he was begging the question, since, in the case of the objectionable property that is confiscated, there is no property at all, the confiscated property being counterfeit and useless as property?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I was only answering Mr. Sivatanu Pillai's question. Still I wish to remind Mr. A. K. Pillai to correct his notion of confiscation. According to the provisions of the Bill, the film is confiscated not only when it is counterfeit, but also when it is perfectly in order, *i. e.*, when it is a real useful property.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Does Mr. Sivarama Panikkar object to forfeiture in all cases, or is he prepared to make exceptions in cases where the films are themselves objectionable?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): If films are in themselves objectionable or if they are imported into our country by surreptitious means, they should certainly be confiscated; but, if the offence consists merely in not obtaining the license or in the neglect of some other duty imposed by this Regulation, I think such films may be taken by the Government and kept in their custody until the offender is tried and punished for his offences, if any.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, the discussion upon the amendment has been sufficiently full, and I see that, in the

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fulness of the discussion, misconceptions of all sorts have found their way in. In the elucidating reply of my friend, the Law Member, he conceded one aspect of the matter, namely, that the confiscation, now provided for in the Bill, applies alike to objectionable as well as to unobjectionable films. The unobjectionable films are liable to be confiscated if they are exhibited in objectionable places. I cannot see the reason underlying that provision. If the place is objectionable, why not confiscate the place itself? (*Laughter.*) Why do you confiscate the film?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is Mr. Narayana Pillai agreeable to a provision for closing up the building in such a case?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is not now before the House. I am just now analysing my friend's arguments and seeing how far they would hold water. My friend's proposition is this. Even if the film is unobjectionable, entrust to the Magistrates of this country a discretion to confiscate even such unobjectionable films. In the light of such a provision it is somewhat likely that a learned Magistrate if not satisfied with the appearance of a person conducting a cinema exhibition, may, owing to the objectionable appearance of the accused, confiscate the *film* that he exhibited. The provision is so very diffusive and has absolutely no relevancy to the real question that has to be considered. I was rather surprised that my friend, the Law Member, should start a defence in favour of the present provision in the Bill. So, with respect to that aspect of the question, I need hardly advance any further argument to show how untenable the position of the Government member is.

My friend, Mr. A. K. Pillai, whose eloquent defence of the Law Member's position I was listening to with great interest, had nothing to say on this aspect of the matter in spite of the fact that Mr. K. I. Joseph was good enough to draw his attention to clause 6 (1) of the Bill. That sub-clause provides for the punishment of a person who allows the exhibition to be conducted in his house even if it be under a *bona fide* belief that it was licensed; so that, where the proprietor of a particular house, is proceeded against for the exhibition of a film in his house, the Magistrate has got the power to proceed against the film also. I am reminded of a story in this connection. A man was being tried by a Magistrate for having stolen an ox. While the accused was being examined he said that he did not steal an ox but only a rope. But on further questioning it was ultimately found that at the further end of the rope there was an ox also. (*Laughter.*) The present case is something like that. The Magistrate may get hold of the man who allowed, rightly or wrongly, a film to be exhibited in his house and say 'Here is a man who had something to do with the exhibition of a film in his house. Anyway, there is no doubt that the film is at the bottom of the whole case since without it the offence could not at all have been committed. So confiscate that also.' This sort of argument, I beg to submit, Sir, is by no means reasonable.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Am I to understand that Mr. P. K. Narayana Pillai's objection is only with regard to the confiscation of unobjectionable films exhibited in objectionable places or does he object to the confiscation of even objectionable or uncertified films?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am just developing my argument. Let my friend patiently listen. I am coming to that aspect of the question.

Let me then take up the case of the intrinsically objectionable films. It is in regard to these that my friend Mr. A. K. Pillai had much to say in support of the Law Member. Just like the righteous philosopher he said that this House should do all it can to put an end to immorality and obscenity. There is no quarrel with Mr. A. K. Pillai in this respect. The main question is whether all this vehement argument is not beside the point in view of the existing criminal law in Travancore. That is my humble suggestion in this matter. Granting for argument's sake that if an immoral or indecent or obscene film is exhibited, it is a serious offence and should be put an end to at the earliest opportunity, have we not got provisions for such cases in the criminal law of our country?

MR. A. K. PILLAI (*Karunagapalli*): May I know how, if there is such a provision even at present, the provision in the Bill would work as a serious hardship?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am just going to point out that aspect of the question for Mr. A. K. Pillai's information. My friend Mr. A. K. Pillai argued with enthusiasm that obscene films should not be considered as property at all. I think, Sir, that is due to a wrong understanding of the expression '*confiscate*'. The very fact that the word '*confiscate*' has been used in the Bill is proof enough to show that the Government consider that there is some property in the concern. If it is absolutely valueless, why should it be confiscated at all? I am only pointing out the position of the Government in having made the provision with respect to confiscation. That means reducing it into the possession of the Government and adding it to the resources of the State. If that is absolutely valueless as property, why should the State feel anxious to get it legalised as its property? I fail to understand that. On the other hand, I was just going to remark that the provision in the Criminal Procedure Code with respect to obscene things or slanderous things is a wholesome provision. The Criminal Procedure Code says, when obscene matters such as pictures or books or any things of that sort are produced before the criminal court, such things should not be confiscated, but should be destroyed by the presiding Magistrate. That I can understand. So, if a learned Magistrate is of opinion that a film has given rise to an immoral exhibition in any part of Travancore and if he is at such a trial satisfied that it is absolutely obscene and should be dealt with rigorously in the larger interests of the morality of the State, by all means, there is the existing provision in the Criminal Procedure Code to deal with such a situation amply

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Hence instead of confiscating the whole thing to the Government which they may ultimately sell in auction, it is better to destroy the thing then and there. So long as there is a provision existing in the Criminal Procedure Code and so long as my friend the Law Member is prepared to concede that the Criminal Procedure Code would control the trial—

DEPUTY PRESIDENT: Will you please refer to the Section in the Criminal Procedure Code?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I remember there is a Section. If it is challenged, I will find out the Section.

DEPUTY PRESIDENT: Will you please refer to it so that we may know the exact wording? I do not quite remember if the words that you used are there.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): So my submission is that not only should there be a general provision with respect to—

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Suppose a film is not produced before a court? All that is said arises only if it is produced.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then how would it be possible for a Magistrate to order confiscation which necessarily implies that it must be produced? Otherwise it is not confiscation.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Why? The confiscation may be ordered even if the film is not in court. In fact, the films need not be produced at the trial.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Does the member know that it is the Board that has to decide whether a film is objectionable or not and not the court?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is the court that has to do it ultimately. Therefore, I am submitting that the existing provision of law with respect to obscene things is quite sufficient for all the evils that have been exaggerated beyond measure in this Council in the anxiety to support the provision made in the Bill. My contention is that a film should never be confiscated and that any member of the Government should have no opportunity to witness it after the trial and that it should be destroyed then and there. But the suggestion of Mr. A. K. Pillai is to retain it in the possession of the Government for some time, say two or three years, so that on a future day they may dispose of it to somebody. In my opinion, it is extremely unwelcome, for that will contravene the existing law, which requires the immediate destroyal of obscene things.

DEPUTY PRESIDENT: You are referring to obscene things. A film objectionable at a certain period may not be objectionable at a later period.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My contention is that an obscene film does not deserve my sympathy and that it should be destroyed then and there by the court.

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[Mr. P. K. Narayana Pillai.]

I also observe that the critics of my amendment have not met many a point I have raised. The main problem in the administration of criminal law at the present day is to suit the punishment to the offence. It is one of the taxing problems of criminal law. What is the great offence that is committed here? After all it is the exhibition of a film in an unlicensed place or the exhibition of an unlicensed film. The average collections of a cinema exhibitor in Travancore, more or less, ranges from Rs. 200 to Rs. 300. My friend's apprehension is that he will be getting Rs. 1000, which is out of the question. For the purpose of getting Rs. 200, he has to spend a great deal, with a fine of Rs. 1000 always dangling before him. In addition to that, there is the confiscation of property which may be valued at Rs. 10,000 and which an ordinary Munsiff, if the case arises in his court, is not allowed to adjudicate upon. I beg to submit that it is extremely uneven and unjustifiable. It is a Third Class or a Second Class Magistrate who is going to take upon his file such cases and going to adjudicate upon a property which is worth Rs. 10,000.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Suppose a film has been licensed in British India and for some technical omission it has not been certified here, would not this provision apply there?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That point I have mentioned. Generally it is the lessee that comes here. The proprietor will be at Bombay or Madras and according to the canons of morality in British India or in other parts of the world the film may be licensed there. He may lease it to a person in Travancore in all honest belief. The licensing Board may adopt a different view in respect to the morality of the exhibition of such a film. They may not license it. Then he has to propitiate how many bodies? First of all, there is the licensing Board and then the trying Magistrate and the Policeman. As it was pointed out yesterday that in the matter of motor traffic there is the surreptitious travelling of Police Inspectors—

DEPUTY PRESIDENT: Do you expect the same thing in a Board?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is only after the exhibition comes up. So all these are troubles and the only assurance my friend has been able to give us is that there is the Magistrate, a Magistrate, (*Laughter*) and how could we grudge a possible discretion vested in a Magistrate?

MR. A. K. PILLAI (*Karunagapalli*): May I know whether Mr. P. K. Narayana Pillai is not prepared to trust a Magistrate more than a man who is coming with a film?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am not prepared to trust anybody. (*Laughter.*) Unless there is very serious necessity, I shall not trust anybody, be it a film exhibitor or a Magistrate.

Sir my friend has been laying emphasis upon the expression 'Magistrate'. The implication was that he is an unerring sort of officer in Travancore. Yet in this Council, Sir, the non-official members had

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to complain a good deal about the recruitment of Magistrates. In several cases, Magistrates have been confiscating property. In one instance for the mere accident of not having a free pass, property worth about Rs. 3000 was confiscated. The date expired and the man was fined Rs. 100 and his property worth about three thousand rupees and a boat were confiscated. The right of revision to the Honourable High Court was also availed of, but there was a concurrent finding. Subsequently, he litigated in the District Court and the learned Judge was good enough to pass a decree in his favour. But subsequently, it was set aside on unknown grounds by the High Court.

MR. M. SIVATANU PILLAI (*Tovala*): May I remind the member what the Law Member said of the Third Class Magistrates, namely, that they should use more discretion in Excise cases?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They are working upon the arcana of departmental instructions. That is what the people say.

MR. M. SIVATANU PILLAI (*Tovala*): The learned Law Member advocated that in the interests of justice.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Since my friend assures me on that point, I am prepared to believe it. I do not recollect it myself.

The provision in the Criminal Procedure Code runs thus:

"395. When an enquiry or a trial in any Criminal Court is concluded, the Court may make such orders as it thinks fit for the disposal of any document or other property produced before it regarding which any offence is alleged or appears to have been committed, or which has been used for the commission of any offence.

When a Court of Sessions makes such order and cannot, through its own officers, conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

When an order is made under this Section in a case in which an appeal lies, such order shall not (except when the property is livestock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or when such appeal is presented within such period, until such appeal has been disposed of."

"399. On a conviction under the Penal Code, Section 290, Section 291, Section 504 or Section 505, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the Court or remain in the possession or power of the person convicted.

The Court may, in like manner, on a conviction under the Penal Code, Section 270, Section 271, Section 272 or Section 273, order the food, drink, drug or medical preparation in respect of which the conviction was had, to be destroyed."

Therefore that is sufficient. In cases where obscene things are exhibited, they may be brought under this law; there is nothing in the present instance to prevent such a course. In any doubtful view of the matter, we may amend the Criminal Procedure Code to embrace everything under this Regulation. So my submission is that it is unreasonable and uncertain as all these are huddled together, in Clause 1 of Section 6. Sub-section 2 says that, in all these cases, confiscation may take place. The discretion of the Magistrate is after all too

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[Mr. P. K. Narayana Pillai.]

slender a reed to lean upon and so, in this connection, I would request the House to take into consideration the extreme hardship that would be created by passing a Section like the existing one without any safeguard and leaving it entirely to the discretion of a trying Magistrate how far he should stretch the arm of law. The Proceedings of a Magistrate would be marked with invidious distinction as in certain cases he may use his discretion and in certain cases he may not. That, again, is extremely objectionable; therefore the clause in question deserves absolutely no sympathy and has to be voted against.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, as has been made clear by the debate on this clause, the confiscation is to take place in regard to two sorts of films; one, uncertified films declared objectionable by the Board or by any other authority, and the other, films exhibited in objectionable places. In respect of the former class of films, I do not really see that this House has any strong objection to this measure. In regard to that, Mr. Narayana Pillai himself admitted at the last debate that the film might be confiscated. But to-day his objection is that there is provision for destruction of the film in the Criminal Procedure Code. The Section dealing with the destruction was read in response to your direction, Sir. It says that if there is only a conviction under the Penal Code, the provisions of the Criminal Procedure Code with regard to destruction will apply. Then what is the objection to this provision being retained in this Bill. My friend's argument is that there is already another provision for destroying objectionable matter. If so, the objection to the present provision can be but an academic one in that the provision is but a repetition.

DEPUTY PRESIDENT: He says that there the destruction is only with respect to objectionable films.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is yet another point. It is only when there is a conviction under the Penal Code that destruction can take place. Secondly, the provision applies only in the case of obscene publications. In the case of films, the objection need not always be on the ground of obscenity. There may be several other cases. Should all those films be allowed to be exhibited from time to time? So the Criminal Procedure Code does not apply to all the cases contemplated by this provision.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Suppose a film is licensed. If by an oversight it is not got certified, then is it not open to the Magistrate to order forfeiture?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It might have been licensed elsewhere. But a certificate from the Board appointed in Travancore is necessary. For instance, Mr. A. K. Pillai pointed out the case of a Hindu wife being belaboured by her husband. Probably it was allowed in a place like Africa. Is it going to be done in a place inhabited by Hindus? Similarly, a film

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might not be considered objectionable in a certain place. But in Travancore it may be considered objectionable.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I refer him to Section 395 of the Criminal Procedure Code:

"When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed or which has been used for the commission of any offence."

That is wide enough to cover the case of all uncertified films.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But the film must have been produced before the court, which is not necessary at all in trials under this Bill. If the film does not go to the court as it need not, how is the court going to deal with the film? If, after all, there is a provision in the Criminal Procedure Code, what is the objection to this Section? His objection then is but of an academic nature, namely, that it is a repetition. Such an objection is not an objection in substance and further there will be cases in which the provision in the Criminal Procedure Code may not apply at all. In regard to uncertified films, I really thought that there is a considerable opinion on the nonofficial side that there should be provision for confiscation.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Were not the nonofficial members suggesting that they have not got much faith in allowing such wide discretion to the Magistrate?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If I am going to act upon that suggestion, then I think that no powers should be vested in the Magistrates at all. We are giving a power to fine, and that, in his discretion, may go up to Rs. 1,000. That is not objected to. Will it be taken that a Magistrate will fine an exhibitor the maximum amount of Rs. 1,000 for a mere technical offence of not taking a license for a night? If the House really thinks that a Magistrate cannot be trusted, I think that even this provision in the Bill should be done away with. But after all, he can be trusted, and there are authorities above him. Why not then give some latitude or discretion to a Magistrate—even in regard to the confiscation of films? In regard to Mr. A. K. Pillai's suggestion that the film may be detained for some time and subsequently dealt with as circumstances may turn, it is worth consideration, but unfortunately there is no amendment to that effect and if the House will permit me, I will put in an amendment to the effect at the third reading of the Bill. But, the fact that at a future time a film may become unobjectionable and that it may then be given back to the owner is no ground for deleting this provision.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I ask the Law Member if he is prepared to accept the principle contained in the amendment of Mr. Raman Menon?

DEPUTY PRESIDENT: I think it is an impracticable amendment. I do not know whether it is going to be carried at all.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in putting this amendment to the vote of the House the amendment may be put for separate voting, one in regard to the exhibition of objectionable films, and the other in regard to the exhibition of any film in objectionable places.

DEPUTY PRESIDENT: I do not think it is possible to do that. The best thing will be for you to introduce an amendment at the third reading of the Bill if you think that the amendment will be carried out.

MR. K. I. JOSEPH (*Mŭnachil* cum *Devicolam*): Is the Law Member willing to accept the principle contained in the amendment?

DEPUTY PRESIDENT: I do not think that arises at all.

The amendment was put to the vote and carried.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I demand a poll.

A poll was taken with the following result:

AYES 28.

1.	Mr. K. I. Joseph.	17.	Mr. G. Parameśvaran Pillai.
2.	,, N. V. Joseph.	18.	,, Changanachery K. Parameśvaran Pillai.
3.	,, C. Kerala Varma Koil Tampuran.	19.	,, S. Piraviperumal Pillai.
4.	,, C. P. Kochukunju Pillai.	20.	,, G. Raman Menon.
5.	,, N. Kumaran.	21.	,, K. Sivarama Panikkar.
6.	,, T. Kumara Pillai.	22.	,, M. Sivatanu Pillai.
7.	,, Tariatu Kunjitomman.	23.	,, S. Subrahmanya Karayalar.
8.	,, X. G. Lopez.	24.	,, M. Subrahmanya Pillai.
9.	,, K. Madhavan Pillai.	25.	,, C. P. Tarakan.
10.	,, K. C. Mammen Mappillai.	26.	,, C. P. Thomas.
11.	,, T. J. Matthew.	27.	,, K. K. Thomas.
12.	,, G. Narayana Pillai.	28.	,, C. N. Tuppan Namputiri.
13.	,, P. K. Narayana Pillai.		
14.	,, K. P. Nilakanta Pillai.		
15.	,, A. J. John.		
16.	,, R. Padmanabhan.		

NOES—17.

1.	Mr. I. C. Chacko.	11.	Mrs. M. Poonen Lukose.
2.	,, R. Dhanukoti Pillai.	12.	Mr. K. N. Ramasubba Aiyar.
3.	,, K. George.	13.	,, T. P. Ramasubba Aiyar.
4.	,, A. K. Pillai.	14.	Rao Bahadur K. V. Rangaswami Aiyangar.
5.	,, R. K. Krishna Pillai.	15.	Mr. S. C. H. Robinson.
6.	,, R. Krishnaswami Aiyar.	16.	,, V. S. Subrahmanya Aiyar.
7.	Dr. N. Kunjan Pillai.	17.	,, A. J. Van Ross.
8.	Mr. K. V. Natesa Aiyar.		
9.	,, M. N. Pillai.		
10.	,, Kayyalam Parameśvaran Pillai.		

NEUTRAL—1.

Mr. Paul Daniel.

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The amendment was declared carried.

DEPUTY PRESIDENT: The next two amendents go off. The question is that clause 6 as amended do form part of the Bill.

The motion was carried and the clause as amended was added to the Bill.

The following being indentical amendments were not moved:—

MR. K. MADHAVAN PILLAI:

Sub-clause (2). Delete this sub-clause.

MR. G. RAMAN MENON:

Sub-clause (2). Line 2. Insert the words "if found to be indecent, seditious, or dangerous for exhibtion" between "film" and "shall" towards the end of the line.

Clause 7.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I beg to move the following amendment:—

For the words "Officials and" substitute the words "a majority of" in line 2, sub-clause (1).

The Section as amended would run thus:

"The Government may, by notification in the Government Gazette, constitute a Board consisting of a majority of non-officials for the purpose of examining and certifying films as suitable for public exhibition. The certificate of the Board shall be valid in such area as may be specified in the certificate".

Sir, my object in moving this amendment is that I look upon this Bill as a limitation sought to be imposed on the liberties of the people. The intention of the present Bill is that nobody shall exhibit any picture by means of a cinematograph unless he has obtained a license permitting him to do so. I find that the word 'suitable' used in this clause has not been defined in any part of the Bill. What may appear suitable to one may not appear suitable to another, and I am afraid there is a great deal of room for the play of caprices in that matter. A non-official majority on the Board will be quite in tune with the spirit of the modern times and would give an additional strength to the verdict of the Board. For these reasons, I move my amendment.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): I second the amendment.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it. There is provision already in the clause that the Board should consisit of officials and non-officials. It is open to the Government to have a non-official majority if felt necessary. I think we ought to leave it there.

DEPUTY PRESIDENT: He does not want to leave this discretion to the Government.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I understand it. This is not like a case of any political rights being conferred on anybody and there is no reason for anybody to apprehend that the interests of the officials are in any way be different from those of the Government. What we want is expert knowledge and experience for examining the film and certifying whether it is suitable

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[Mr. Kayyalam Paramesvaran Pillai]

or not. I cannot see why there should be any conflict of opinion in regard to this matter. The only thing that is required for the qualification for membership on the Board is that the member should have sufficient experience and expert knowledge to decide whether the film is suitable for exhibition or not.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether it requires expert knowledge to decide whether a film is indecent?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is only one of the duties of the Board. There are other duties also which require some experience to decide. I may remind the House of the answer that Earl Winterton gave in the House of Commons quite recently where he said that the censoring of films in India may be unsatisfactory because it is not done by men of as much experience as in England, so that, it is not really a question of officials or non-officials but of men of knowledge and experience, men who can decide whether a film is suitable or not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are there enough experts in Government service?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not say that there are or that there are not. It may be left to the Government to select the proper men from among officials or non-officials.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): In making legislation, why should you make allowance for such discretion? Why should we not make it definite?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My point is that when the official members become the members of the Board, they are only sitting as ordinary citizens to judge whether a film is suitable or not. The provision for putting in the term 'non-officials' itself was made at the Select Committee stage at the suggestion of some of the members.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is not this Board subject to the control of the Government?

DEPUTY PRESIDENT: What is the control?

MR. A. K. PILLAI (*Karunagapalli*): But it is unlikely that political considerations will not enter into the discussions of this Board.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is possible but not probable. We can only legislate for probable matters. If the question was that there should be a non-official majority, then the question may also arise that communal representation must come in in regard to the constitution of this Board. We cannot look at the Board in that light.

MR. K. K. THOMAS (*Kottayam*): May I know whether what the Law Member said, *viz.*, when an official sits in a committee, it is as an ordinary citizen, applies to all committees?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There may be exceptions.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Is it the intention of the Government that the majority on the Board should be officials?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no such definite intention on the part of the Government. We want only a committee of efficient men.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Law Member has any objection to a Board consisting of only non-official experts?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The only objection to it will be that as the provision stands in the Bill, there must be some officials and some non-officials.

MR. A. K. PILLAI (*Karunagapalli*): I suppose the licensing Board has jurisdiction extending over the whole of Travancore. What is the difficulty in getting more non-official experts?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All that I say is that the power of the Government should not be restricted. I may say that in the Madras Board three out of five members were non-officials.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Why did you not take it as a precedent?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government will nominate as many non-officials as possible, but the hands of the Government should not be bound down; that is all my point.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): In legislating, do you not think that by this action you are annihilating the chances of obtaining non-official opinion?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How is it? No.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, although I am not convinced of the arguments advanced by the learned Law Member, as this section of the House does not seem to be interested in this amendment, I withdraw my amendment.

MR. C. P. TARAKAN (*Kunnatnad*): I object to the withdrawal.

The motion for withdrawal was put to the vote and carried.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following amendment:—

Add the following after sub-clause (1), re-numbering the subsequent sub-clauses:—

(2) Any person who wants to apply for a certificate for exhibition for a film may, before manufacturing and submitting the film itself, submit the pictures intended to be exhibited by means of the same,

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[Mr. G. Raman Menon.]

to the Board, and if the Board certifies the pictures, they shall certify the film also, when prepared and submitted, unless any picture exhibited by means of the film differs materially from the corresponding advance picture certified or unless the material of which the film is made is liable to cause danger to the public.

It has been pointed out here that a film might often be a very costly object. The cost of the film may be about Rs. 10,000; so the object of this amendment is that persons engaged in this business may have a safeguard. They may be able to produce before the licensing authority, advance pictures. I do not, by pictures, mean, coloured pictures, but diagrams to show the nature of the exhibition, and if these pictures or diagrams are approved, the Board should be bound to approve the film also.

DEPUTY PRESIDENT: Is any film manufactured in Travancore?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): I do not know. I am not an expert. I have heard that films are being manufactured in Travancore also.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are films manufactured from pictures?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Not from pictures exactly, but they are made according to the pictures. That is how I have understood it. I have heard the instance of a manager of a cinema who in taking photographs for a film used the services of his daughter who was only four or five years old to exhibit (Kalia Mardan). It seems that after about 10 days the girl died owing to the shock caused. So we find how much cost and how much anxiety and sorrow may be involved in the manufacture of a film. The cinema owner should be given the option to produce advance pictures of the film; so that when the film is prepared and brought, the Board should not be at liberty to refuse license. From the instance of the owner having lost a daughter in the production of the photographs, we know more or less that even in Travancore something is done towards the manufacturing of films. If the owner knew beforehand whether the Board would approve the film or not, he can avoid the loss of about Rs. 10,000. With this object, I bring forward this amendment so that unnecessary loss to the cinema managers may be avoided.

DEPUTY PRESIDENT: There is no seconder for the amendment. The amendment is lost.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I beg to move the following amendment:—

In sub-clause (2), line 1, for the words "a film is suitable for public exhibition" substitute the words "the exhibition of the film will not be punishable under the Travancore Penal Code".

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Sir, in the statement of objects and reasons, it is stated that this Bill is intended to prevent the presentation of improper or objectionable films. But there is nothing in this Bill to indicate what is improper and objectionable for the purposes of this Regulation. The Bill as it is at present amounts to giving a blank cheque to the authorities to deal with the censoring of the films. Hence my amendment. My amendment states on broad lines the criterion which the Board should have. The Board must not object to the exhibition of a film unless it states that the exhibition of the film is an offence under the Penal Code. Offences relating to religion, Sovereign and communities are all dealt with in the Penal Code. The Board should not be allowed to use its prejudices, predilections and prepossessions without any legitimate restrictions. The Board must act on certain principles which must be widely known; otherwise, there is the likelihood of this Bill working very hard as any film which may not suit the taste of the Board will be prohibited. I will give an instance. Sometime back it seems a film representing an incident of a boxing match was prescribed because it portrayed a black Negro defeating a white Johnson. When films advertising the valour of others are being freely admitted, the prohibition of the film which displays the valour of the black Negro alone seems to be unjust. It is to avoid the rejections of films on such silly grounds as are implied in these and other instances that this amendment is brought. I would therefore by my amendment define what will be unsuitable and improper.

With these words, I move my amendment for the acceptance of the House.

MR. M. SIVATANU PILLAI (*Tovala*): I second the amendment.

MR. KAYYALAM PARAMESVARAN PILLAI: (*Additional Head Sirkar Vakil*): I oppose it. If the amendment is made, it will not be comprehensive of all the objectionable films that are sought to be prevented by the measure in question. If the offence that is sought to be prevented is restricted to matters which are punishable by the Penal Code, there would hardly be any necessity for embarking on this special legislation. The object of this special legislation as has been explained by me at the outset was to prevent the exhibition of improper films. But all the offences that are sought to be punishable by this Bill need not be and are not punishable under the Penal Code. We can very easily conceive of many kinds of films that are objectionable although they may not come under the Penal Code or any other penal law. For instance, a film which exhibits a matter which will deprave the moral sense of young boys, a film which is repugnant to the religious sense of one community or suggesting ideas of committing offence, or a film which shows particular methods of committing robbery or assault or murder—it may be that all these are objectionable and yet do not come under the provisions of the Penal Code. We are constituting a Board in which non-officials will be largely represented and they will be able to say whether a film is objectionable or not. If we say that only such films are objectionable as will come under the provisions of the Penal Code, it would amount to restricting the discretion of the Board and practically

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[Mr. Kayyalam Paramesvaran Pillai.]

nullifying the very object for which the measure is introduced. After all there is nothing for apprehension. The Board consists of non-officials also and they are the judges of the question whether a film is objectionable or not. It seems to me therefore that this amendment cannot be accepted. Probably it may be interesting to the House to know that the wording in the statutes elsewhere in India is exactly the same as the one that is covered by the Bill now submitted to the House.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I withdraw the amendment.

The amendment was by leave of the House withdrawn.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I beg to move the following amendment:—

In Sub-clause (3), line (1), for the word "authority" after "the" substitute the word "Board".

MR. M. SIVATANU PILLAI (*Tovala*): I second the motion.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I accept the amendment.

The amendment was put and carried.

MR. S. PIRAVIPERUMAL PILLLAI (*Commerce and Industry, South*): Sir, I beg to move the following amendment:—

In Sub-clause (3), line (4), for the word "Government" after the word "the" substitute the words "High Court".

What is contemplated by this Bill is that anybody who wishes to exhibit any picture by means of a cinematograph has to obtain a certificate from the Board that this film is suitable for exhibition. This is clearly a limitation upon individual rights and as such deserves careful scrutiny. The Bill provides for a reconsideration of the verdict of the Board by the Government. The Law Member has opposed a non-official majority on the Board and consequently there may be the possibility of an official majority on the Board. Therefore the provision that the decision of the Government is final ought to be amended. My amendment is to the effect that the revising authority must be the High Court and not the Government. The High Court is in a better position to decide questions like this which ought to be decided from a judicial view-point. We all might have experienced how the Government dispose of revision petitions presented against the decisions of the Peishkars under the Land Conservancy Regulation.

DEPUTY PRESIDENT: I do not think that you are at liberty to make any insinuation against the Government.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I am only stating a fact, Sir.

DEPUTY PRESIDENT: No insinuation can be made.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): It is only an argument.

DEPUTY PRESIDENT: An argument cannot be an insinuation at the same time.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In matters where the liberties of the subject are to be curtailed, I believe it has always been the rule and it must always be the rule that the final decision should rest with a court of law. To define a word which has not been defined by law is a large power and we cannot expect from executive officers, however intelligent they may be, judicial experience and training that are gained by practice and patient listening. My proposal therefore are that all appeals from the verdict of the Board shall lie to the High Court. With these observations, I move my amendment.

MR. M. SIVATANU PILLAI (*Tovala*): I second it.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. Whether a film is suitable or not is hardly a matter for judicial discretion. It is not on evidence taken by the Board as in civil or criminal cases that they come to a conclusion, but it is very often only on their own sense of things and probably on their own knowledge of matters. But, for the High Court to say whether a film is suitable or not, some material must be placed before it, and that has to be done by means of evidence regularly placed before them.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): But how will the Government decide it?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government are an executive body and they may acquire information or supply information or call for information in other ways than are open to the High Court.

MR. M. SIVATANU PILLAI (*Tovala*): Cannot such information be placed before the High Court?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not possible. Even if it were, that would involve considerable time and expense before the film could be certified. Further, the word "suitable" is not defined in the Bill. It is for the Board to decide what is suitable and what is not suitable. How is the High Court going to say anything about it unless you lay down rules for saying what is suitable and what is not suitable? Therefore it seems to me that it will not be practicable to say that the High Court should have appellate authority over the decision of the Board. They cannot have the material for adjudication. Even if we think they have the material, it would involve considerable delay and expense and probably the exhibitors of films would not like to submit themselves to such delay and expense. It seems to me that the proper appellate authority is the Government. In Mysore, Pudukotta and other places in British India also, Government is the appellate authority.

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MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I withdraw my amendment.

The amendment was by leave of the House withdrawn.

The following amendment was not moved :—

MR. S. PIRAVIPERUMAL PILLAI :

Sub-clause (4). Add at the end, the words "and the person whose film has been deemed to be an uncertified film may, within thirty days from the date of such notification, appeal for a reconsideration of the matter by the High Court whose decision shall be final."

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I move the following amendment :—

Sub-clause (5). *Delete this Sub-clause.*

Sir, it appears to me that this clause is superfluous for the following reasons :—

As contemplated in clause 7, we have a Board and that Board will certify films that are suitable for exhibition. After the Board has decided, it is open to the party whose film has been uncertified to appeal against the decision of the Board. This is provided for in sub-clause (3). Similarly, after the decision of the Board, the District Magistrate as representing the Government can under sub-clause (4) suspend the certificate given by the Board and it is also open to the Government either to discharge his order or direct that the film shall be deemed an uncertified film. So, we have on the one hand the remedy given to the party to appeal against the order made by the Board against him and on the other hand we have a remedy given to the District Magistrate to suspend the certificate if he should deem it necessary and forward a copy of his order of suspension to the Government who can either discharge or confirm his order. Under these circumstances, I really cannot understand the necessity for retaining this clause. No doubt, a similar clause finds a place in the British Indian Act. Sir, this clause was not in the original Bill. But the Select Committee that sat to consider the Bill there added this clause also and their reason for doing so is clearly stated in paragraph 7 of their report which I shall read.

"We understand that the authorities to be constituted under clause 7 will, as a rule, be authorities whose certificates will be valid throughout British India. It has been pointed out to us that cases may well arise where film the exhibition of which might not be objectionable in many parts of India would, owing to local conditions, stand on a different footing in other parts and we have therefore inserted a provision enabling any certificate to be be restricted by the local Government either generally in its province of any part thereof.

Sir, in British India there are many Provincial Governments and there it is necessary that some power ought to vest with each Provincial Government to restrict the exhibition of a film which a Central Board might certify and whose certificate is valid throughout India for the reason that the exhibition of a particular film that may not be objectionable in one province may be found to be objectionable in another. Sir, Travancore is not a continent like India and I think not even as big as single province there. My friend Mr. Parameswaran Pillai may raise in support of the retention of this clause for the reason that this

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clause will be found useful to the Government to decide complaints which the Government may receive from any association or body that the exhibition of a particular film in a particular locality may offend the feelings of a particular community. Sir, what I ask is, even in that case, are the Government going to take any action on an *ex parte* information received by them from any person or association. I cannot imagine that the Government would make the order of their own motion without making enquiries and satisfying themselves. The Government must naturally refer the matter to the District Magistrate concerned and obtain his report and it will be on the information from their own subordinate officers that the Government will move. Sir, therefore, it seems to me that even without this clause, the Government can prohibit the exhibition of a film that has been certified by the Board, through their District Magistrate. I therefore think that there is absolutely no necessity for retaining this clause and move that the same be deleted.

MR. M. SIVATANU PILLAI (*Tovala*): I second the amendment. I am convinced that the mover has made out a very good case for the deletion of this clause. He has stated very clearly that the conditions obtaining in British India are entirely different from those obtaining here and how the arguments in support of the British Indian provision do not apply to the provision here. The great Indian continent consists of so many kinds of people with varied customs. But our State could be compared only with a single District of British India and our customs do not vary so much as the customs of the several kinds of people in British India. I therefore do not accept that because there is a similar provision in the British Indian Act, it is a sufficient warrant for us to import it in our Bill. I therefore believe the Law Member will appreciate the force of the arguments put forward by Mr. Piraviperumal Pillai.

(Mr. P. K. Narayana Pillai: *Hear, hear.*)

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It seems to me the substantial point urged against this provision is that it is not necessary. I do not understand my friend to say that there is any harm in the provision being retained in the Bill.

MR. M. SIVATANU PILLAI (*Tovala*): May I point out to the Law Member that Mr. Piraviperumal Pillai clearly stated that this provision was superfluous.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that is exactly what I am saying. He simply stated that this provision was not necessary. He did not say that there was any harm in the provision being retained in the Bill. It will be seen from sub-clause (4) that the Government have been given appellate powers to uncertify films on the report of the District Magistrate.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Does not the Law Member think that this provision is superfluous?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I do not think so; because, to take action under sub-clause (4),

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[Mr. Kayyalam Parameswaran Pillai.]

the Government will have to await, and depend on, the report of the District Magistrate. The District Magistrate may be of opinion that a particular film is not objectionable.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Then there is no necessity for uncertifying it.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But the Government may get information through other sources and might consider that the film is objectionable. In such cases, it will not be possible for them to take action under sub-clause (4).

> Sub-clause (4) says: "The District Magistrate may, after recording his reasons in writing, by order, suspend the certificate of any film pending orders of the Government and, during such suspension, the film shall be deemed an uncertified film. He shall forthwith forward a copy of his order to the Government and the Government may in its discretion either discharge his order or by notification in the Government Gazette direct that the film shall be deemed to be an uncertified film in the whole or any part of Travancore."

It is clear from this, that in order to take action the Government will have to await and even depend on the report of the District Magistrate even in cases in which the Government get reliable information from some other officer, say the Commissioner of Police.

MR. M. SIVATANU PILLAI (*Tovala*): Whenever the Government get information that a particular film is objectionable, is it not the duty of the Government to investigate the matter and hear the aggrieved party, and say that the film is objectionable and deserves to be uncertified?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Investigation by the Government is not prohibited by sub-clause (5). Provision of sub-clause (5) is intended to empower the Government to take action of their own accord and without the aid of the District Magistrate and otherwise than through him.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is not sub-clause (3) sufficient for that purpose?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. The House has already passed sub-clause (3) and has thereby given the Government appellate powers over the Board when the Board refuses a certificate. That being the case, it is only reasonable that that appellate authority should be given powers to take direct action, as also power to uncertify films certified by the Board. Under sub-clause (4), they cannot do so in every instance in which they want to take direct action or exercise appellate powers over a Board granting certificates. Because the District Magistrate ought to intervene under sub-clause (4).

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Where is the harm in doing that?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I have already pointed out, the District Magistrate may or

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may not intervene and further he may be of the opinion that a particular film is not objectionable and the Government may think that it is objectionable. In such a case it seems to me that it is not right to restrict the power of the Government by saying, as it were, that they can take action only through the District Magistrate and only if supported by him.

MR. M. SIVATANU PILLAI (*Torala*) : Could we not amend the provision in such a way as to enable the Government to take action on the report of the District Magistrate or of other officers of similar status? The Government can get information only through such officers and it will therefore be enough if they are empowered to act on the reports of other officers as well.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That amendment is not now before the House. Sub-clause (4) has already been passed. As I have already pointed out, under sub-clause (4), the Government can take action only on the report of the District Magistrate. They cannot take any action on their own initiative or on the report of other officers or in spite of the District Magistrate.

MR. M. SIVATANU PILLAI (*Torala*) : Is not sub-clause (4) superfluous in the light of this sub-clause?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, because sub-clause (4) is really intended for the District Magistrate's action as he is the man at the spot and in the majority of cases he may get the earliest information ; and whenever he finds that a particular film is objectionable, he ought to take action. Therefore, sub-clause (4) is not superfluous.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : In cases where the District Magistrate and the Board created under this Regulation do not agree, sub-clause (4) empowers the District Magistrate to veto the opinion of the Board by making a report to the Government urging for necessary action.

DEPUTY PRESIDENT : There is no amendment to sub-clause (4).

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Once the Government have been vested with appellate powers, it seems to me that it is not right to fetter the discretion of the Government to take direct action. It is only for that purpose that provision has been made by sub-clause (5).

The Council adjourned for lunch at 2-25 P. M. and met again at 3 10 P. M.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Sir, I also agree in considering that the sub-clause should be deleted. After listening to the speech of Mr. Piraviperumal Pillai, it is clear what necessitated the incorporation of a similar sub-clause in British India. Such conditions as necessitated the insertion of a clause in the British Indian Act do not exist here so far as we are concerned.

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DEPUTY PRESIDENT: Are the reasons given there exhaustive?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): When the reason is specifically mentioned, that is the reason to be canvassed in deciding upon the necessity for the clause. So there is considerable force in the contention that the provision in sub-clause (5) is not necessary so far as we are concerned. Of course, there is provision in the sub-clause which gives the Government certain powers which would be found quite adequate to deal with any situation that may possibly arise. Under these circumstances, I have great pleasure in supporting the amendment proposed by my friend.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): I do not find any objection in keeping this clause 5 as it is in the Bill. We have practically agreed upon the principle contained therein. We are only extending the provision in sub-clause (4). The Government have been given certain powers under sub-clause (4) and they can even uncertify a film in cases when the District Magistrate takes the initiative. That being the case, I do not see any reason why the Government should be denied the right to make use of such a power on their own initiative without the aid of the District Magistrate. Therefore, I oppose the amendment.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I have already given my reasons to show that this clause is superfluous. The Government have a remedy in sub-clause (4) if they think that a film should not be exhibited.

DEPUTY PRESIDENT: But under sub-clause (4), they will have to wait until they hear from the District Magistrate.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): If the Government get any information from the Excise Commissioner or from the Director of Public Instruction or from any other officer that a particular film is objectionable, the Government can as well refer the matter to the District Magistrate for investigation and obtain his report and then pass final orders.

DEPUTY PRESIDENT: If the Government have the necessary information and are convinced of the truth of the case, why should they be forced to wait for the report of the District Magistrate?

MR S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): All that is required is that the Government also should have some power to prohibit objectionable films. They have that power in sub-section (4). Where is the harm in their waiting for the report of the District Magistrate and then passing final orders?

DEPUTY PRESIDENT: I will give you an instance. Suppose one evening war is declared. A film that may be unobjectionable till then might become very objectionable after war has been declared. In such emergent cases, is it desirable that the Government should wait till they hear from the District Magistrate?

MR, S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, as already stated by me, such difficulties may arise in a continent like British India and not in a small country like ours. As soon as such

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an emergency occurs, the Government can immediately call for the District Magistrate's report and pass the necessary orders on it. I therefore think that this provision is superfluous, and press my amendment.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even now I do not hear Mr. Piraviperumal Pillai to say there is any *harm* in the provision. He only said that it was superflucus and that the necessary action could be taken under sub-clause (4). If the Government have to take action under sub-section (4), the suspension of the film by the District Magistrate is a necessary condition precedent. But under sub-clause (5), no such suspension is necessary. If the Board declares that a particular film is objectionable, it is only then that the aggrieved party would go on appeal to the Government. But, if the Board declares that a particular film is unobjectionable, then the Government have no appellate power. They will have to wait for the report of the District Magistrate if they want to take any action. Under sub-clause (5), this preliminary action of the suspension of the film by the District Magistrate is not necessary.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Cannot the Government call for a report from the District Magistrate?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under sub-section (4), the Government can take action only after the District Magistrate suspends the film.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): The District Magistrate may take action on his own initiative and the Government also have been empowered under sub-section (4) to call for his report.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The District Magistrate may not find anything objectionable in the film. The Government at the same time may get reliable and convincing information from other sources to the effect that the film is objectionable. Even in such cases they will have to wait for the suspension of the film by the District Magistrate and for his report. Moreover, even if the District Magistrate wants to take any action all that he can do is to pass an *interim* order suspending the film. That is only a temporary measure. If the Government want to effect a permanent check on the exhibition of any particular film which they consider objectionable, there is no provision empowering them to do it unless the District Magistrate first suspends the film and forwards his report to the Government. It is only then that the Government can pass the necessary orders. Do you want to reduce the Government to such a position?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the peculiar kind of direct action that the Government are going to take?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They might declare the film to be unsuitable. Sub-clause (5 runs as follows:—

"The Government may, of its own motion, by Notification in the Government Gazette, direct that a certified film shall be deemed to be an uncertified film in the whole or any part of Travancore."

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Uncertifying practically amounts to suspension.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Uncertifying is a permanent order while suspension is only temporafy. Suspension is only an *interim* order issued by the District Magistrate. If, in a case, the District Magistrate thinks that it is not necessary to suspend a film and simply makes a report to the Government, the Government cannot take any action under sub-clause (4). Sub-clause (4) is useless under such circumstances.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): My point is, if sub-clause (5) is passed, there will be two sets of authorities working in different directions.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; not at all. On the other hand it will be anomalous, if in every case in which the Government want to take action, the District Magistrate has to be asked to suspend the film and forward his report in order to enable the Government to take the necessary action.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): The District Magistrate need not suspend the film in all cases. He may or may not suspend it. What is stated in the clause is that '*The District Magistrate may, after recording his reasons.....*' and not that "The District Magistrate *shall .....*'. Therefore, even without suspending the film, he can report to the Government. If his report is not reliable, I fail to see from which other source the Government could get reliable and convincing information.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what sub-clause (4) says:—

"The District Magistrate may, after recording his reasons in writing, by order suspend the certificate of any film pending the orders of the Government, and during such suspension the film shall be deemed to be an uncertified film. He shall forthwith forward a copy of his order to the Government and the Government may, in its discretion, either discharge his order or by Notification in the Government Gazette direct that the film shall be deemed to be an uncertified film in the whole or any part of Travancore".

The order that has to be forwarded to the Government is the order of suspension. And it is on receipt of that order that the Government have to take action. Therefore it follows that if the District Magistrate does not take action or his action does not amount to suspension, the Government cannot take action. That is an undesirable state of things. Hence sub-clause (5) is very essential.

The amendment was then put to the vote of the House and lost.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I demand a poll.

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A poll was taken and the House divided as follows :—

AYES.—11

1 Mr. C. P. Kochukunju Pillai.
2 „ A. K. Pillai.
3 „ T. Kumara Pillai.
4 „ K. Madhavan Pillai.
5 „ P. K. Narayana Pillai.
6 Mr. K. P. Nilakanta Pillai.
7 „ Changanachery K. Parameswaran Pillai.
8 „ S. Piraviperumal Pillai.
9 „ G. Raman Menon.
10 „ M. Sivatanu Pillai.
11 „ M. Subrahmanya Pillai.

NOES.—25

1 Mr. I. S. Chacko.
2 „ Paul Daniel.
3 „ R. Dhanukoti Pillai.
4 „ K. George.
5 „ Habeeb Mahomed
6 „ A. J. John
7 „ K. I. Joseph.
8 „ R. Krishnaswami Aiyar.
9 „ R. K. Krishna Pillai.
10 „ N. Kumaran.
11 Dr. N. Kunjan Pillai.
12 Mr. X. G. Lopez.
13 Mrs. M. Poonen Lukose.
14 Mr. T. J. Matthew.
15 „ Kallur Narayana Pillai.
16 „ K. V. Natesa Aiyar.
17 „ Kayyalam Parameswaran Pillai.
18 „ T. P. Ramasubba Aiyar.
19 „ K. N. Ramasubba Aiyar.
20 Rao Bahadur K. V. Rangaswami Aiyangar.
21 Mr. S. C. H. Robinson.
22 „ K. Sivarama Panikkar.
23 „ V. S. Subrahmanya Aiyar.
24 „ K. K. Thomas.
25 „ C. P. Tarakan.

Clause 7, as amended, was then put to the vote of the House and carried.

The clause as amended was added to the Bill.

Clause 8.

MR. C. P. TARAKAN (*Kunnatnad*) : Sir, I move that the following be added as proviso to clause (8).

Provided that the rules framed under this Section are, before publication, scrutinised by a Rule Committee appointed by the Travancore Legislative Council.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to a point of order in regard to this amendment. It contemplates a Rule Committee of the Legislative Council being formed. There is no provision for such a procedure either in the Legislative Council Regulation or in the Rules or Standing Orders. Therefore, if the amendment is carried, a Rule Committee wil have to be appointed by this Council. The Council is not competent to do so as it is beyond the purview of this House to consider questions relating to its own constitution and functions.

DEPUTY PRESIDENT : The amendment as it stands is out of order. I can understand if you move the amendment in some other form, Mr. Tarakan.

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MR. C. P. TARAKAN (*Kunnatnad*): I will delete the words '*appointed by the Travancore Legislative Council*' and substitute the words '*of officials and non-officials*'.

DEPUTY PRESIDENT: How is the Rule Committee to be appointed?

MR. C. P. TARAKAN (*Kunnatnad*): By the Government.

DEPUTY PRESIDENT: How long should it work? There are several other questions which have to be considered. I do not think you are quite in order, Mr. Tarakan.

MR. C. P. TARAKAN (*Kunnatnad*): I propose to amend my amendment as follows:

"Provided that the rules framed under this Section are, before publication, scrutinised by the Travancore Legislative Council".

DEPUTY PRESIDENT: Is there any objection to it, Mr. Kayyalam Paramesvaran Pillai?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object to this also, Sir. Under the Legislative Council Regulation, Rules and Standing Orders, the Council has certain definite functions given to it. One is to pass Bills, another is to pass resolutions and the third to ask interpellations and a fourth is to discuss and vote on the budget. These are the only functions of the Legislative Council. The function of scrutinising rules passed by the Government will not come under any of these four if scrutiny is anything different from passing purely recommendatory resolutions. This Council is not competent to add to its own functions. I therefore object to this amendment also.

DEPUTY PRESIDENT: Mr. Tarakan, even your second amendment is vague again.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): The meaning of the word '*scrutiny*' has to be made clear. It may later on be stated that the Council has no right to modify any of the Rules but only to go through them.

DEPUTY PRESIDENT: As it is, your amendment is not in order Mr. Tarakan.

MR. C. P. TARAKAN (*Kunnatnad*): I beg permission to amend my amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Before the amendment has been moved, can it be amended?

DEPUTY PRESIDENT: There is no amendment now before the House. I have ruled already that his amendment, as it stands, is out of order.

MR. C. P. TARAKAN (*Kunnatnad*): I beg permission to bring in a fresh amendment.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the recent ruling from the Chair refers to the second amendment of Mr. C. P. Tarakan or to his amendment as it stands in the agenda paper?

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DEPUTY PRESIDENT: It refers to the amendment as it stands on the agenda paper.

MR. C. P. TARAKAN (*Kunnatnad*): Am I permitted to move a fresh amendment?

DEPUTY PRESIDENT: I must first know your amendment before I decide whether I should give you the permission or not.

MR. C. P. TARAKAN (*Kunnatnad*): The amendment that I now beg permission to move runs as follows:—

"*Provided the Rules framed under this Clause are, before publication, placed before this Council in the form of an official resolution and approved by it.*"

DEPUTY PRESIDENT: That again, I fear, is beyond the scope of the Council. Therefore, the safest thing will be to leave the Section as it is and to wait for another opportunity to bring forward such a motion.

MR. G. PARAMESVARAN PILLAI (*Neyattinkara*): I hope it is not a definite ruling on the matter that the Deputy President is now giving.

DEPUTY PRESIDENT: No, no; I only said that the matter might now be dropped since the amendment now proposed by him is not in proper form.

The question that Clause 8 of the Bill do form part of the Bill was then put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 9.

The following amendment was not moved:

MR. S. PIRAVIPERUMAL PILLAI:

Delete Clause 9.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I beg to move that Clause 9 of the Bill be deleted.

Sir, the observations that I may make in regard to this Bill apply only to the principle involved in the Bill. While this clause was being considered in the Select Committee, it occurred to me, and I say so frankly, that what was likely to emerge was what would be regarded not as an act of the legislature but a decree of the executive. This is a small Bill consisting only of about ten Sections. A few of them relate to definitions. There are only about 3 or 4 Sections which are important. One of these Sections relates to punishment. In this Section an attempt was made, to renovate, if I may say so, ancient despotism by prescribing confiscation of property even for the technical offence of failing to take out license. Luckily, that provision has been deleted by this Council. The next important Section relates to certifying boards. Here also the Section is assertive of the overlordship of the executive. Under the clause relating to licensing authority, this authority is made subject to the control of the Government as well. Now, over and above all these powers, the learned Law Member claims general powers of exemption in regard to each and every Section of this Bill. That is to

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say, he attempts to bring the old thing in a new garb. To my mind, it is a serious attempt to enthrone arbitrary discretion on the secure foundations of statutory sanction. I must frankly admit that the learned Law Member showed himself in real earnest to meet the non-official view-point. It was very difficult to resist the force of his quick, logical and effective mind and not to admire his brilliant legal equipment. The disappointment was all the keener therefore to find him insistent on transferring to the pages of the Statute Book of modern Travancore some provision contained in an archaic legislation, enacted in British India at a time, which judging from the extreme rapidity with which events are marching there, should be regarded as belonging to the dim distant past. I cannot also understand why the learned Law Member was showing such orthodox adherence to precedents and traditions of British India, British India of the pre-reform days, which may be reckoned as the dead past which can give us no inspiration on matters of progressive legislation. Sir, with regard to these general powers of exemption, let me, with your permission, probe into the official mind and see what are the provisions in respect of which—

DEPUTY PRESIDENT: Not quite out of practice in probing? (*Laughter.*)

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvengad*): Anyhow, I do it now with your permission, to see which are the provisions in respect of which the powers of exemption claimed by the learned Law Member will find their application and purpose. As I said a little while ago, some of these provisions relate to definitions and I do not think that he wants powers of exemption as regards any of them. I do not believe he wants to curb the powers of the Government over the certifying boards. It is therefore reasonable to presume that he wants these powers in respect of licensing authority and licensing fees. Now let me ask what would happen if the Government are not possessed of these powers of exemption. All that could happen is that all classes of cinema exhibitions will have paid their fees without exception. That is the only possible danger I can possibly foresee resulting from the Government not possessing this power. I ask why the Government should possess such a power? Why should any cinema exhibitor be prevented from paying his fees? Under all canons of taxation, the man who is most able to pay should be called upon to pay. It is not a mere matter of liability in the case of the cinema man. It is fully a matter of ability to pay and why should he be exempted and this exemption to be the result of the exercise of arbitrary discretion. If you are going to impose conditions in regard to the imposition of a tax, it reasonably follows that you should impose more elaborate conditions in regard to the remission of such a tax. You must look at not only what you take away from him but also at what he has got left in his pocket. He will have a considerable amount left behind. My contention is that no authority should possess any arbitrary powers of discretion to refuse taxes which are legally, morally and legitimately due to the public exchequer. He who does this incurs grave responsibilities, let the amount be ever so

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small. Another thing to which I should like to refer is this. It should be regarded as a privilege to be called upon to contribute to the resources of the State. It sharpens his sense of civic obligations. In fact, it is upon this privilege that the franchise is also constituted, mostly on the basis of the money contribution made to the treasury, and why should one man be allowed to escape discharging his civic obligations?

Then again, the cinema exhibitions are bound to be controlled by the provisions of this Regulation hereafter and they are more often conducted in Municipal areas. Even now the Municipal Councils are levying fees from these performers. Are they doing so under the Municipal Regulation and if the Municipal Councils are exercising this right under the municipal laws, what right has my learned friend to take it away surreptitiously and in this manner? No mention has been made in this Bill touching this right of the Municipal Councils and it is proposed that the Government should possess this power of general exemption overriding the existing rights of the Municipal Councils. This power taken under this Bill is not going to be left unused. As the learned Deputy President himself said the other day in regard to another matter, there was the danger of non-use building up a convention which will ultimately destroy that right. The Government will surely take all precautions that a right acquired legally does not perish for want of use. It therefore follows that the power conferred by this Section will be put to use and enforced.

Well, Sir, granting that there is necessity for the Government to possess this right, what I wish to ask is how are they going to discharge their responsibilities incidental to such possession? It is generally believed—and I believe it is rightly believed—that the Government are already over-weighted with responsibilities, the gravity and magnitude of which it is impossible to ignore or exaggerate. The vast multitude of modern problems that assail them from all sides demand clear, positive and constructive thinking and the complaint is that the Government have not sufficient time at their disposal to be given to the consideration of these questions. They are said to impose severe and breaking strain on the Government. Sir, it cannot be denied that the multitudinous administrative acts of Government are the expression of a single mind powered into diverse moulds and it is a wonder if they do not bear marks of over-strain. Is it right to allow powers to stagnate? If you say that powers shall not be allowed to stagnate, can you at the same time acquiesce in this proposal? We ought not to do that. Again, if the learned Law Member is prepared to assert that the Government have got at their disposal long hours of idleness awaiting employment, I shall withdraw that point. If, on the other hand, he is prepared to concede that the time of the Government is already fully occupied, he should not press for this power being conferred on the Government, because there is the certainty of this power degenerating into clerical control ultimately. Another point which I should like to stress is that this Council is called upon to confer on the executive powers of absolute and unfettered discretion in the matter of exemption. That is to say

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this Council is called upon to give itself away unconditionally and unreservedly. The executive is not responsible to this Council. From the point of view of commonsense, it appears to me that if you confer powers upon another, they should be revocable. Here the legislature does not retain any powers of revocation. So, once the power is given to the executive, they are in a position to say the last word in regard to that matter. If you are going to exempt everybody and anybody from all the provisions of the Regulation, you will have practically nullified the Regulation leaving it to disfigure the pages of the Statute Book and I cannot be a party to it. It is always wrong to confer authority without sufficient safeguards. The limits of power conferred should always be laid down with strictness and definiteness and, in my opinion, they should be open to examination and judicial interpretation by courts of law. It is irrational to enact laws barring our courts from jurisdiction. It will not be contended that this power of unfettered discretion is demanded in the interests of peace and order or of general administration. This discretion is asked for adjudicating upon the claims preferred by individuals or communities. One cinema exhibitor will enjoy the benefits of absolute unfettered discretion while another will be differently treated. There will be inequality of treatment which would be wrong.

I have yet another point to stress. You know, Sir, that we Travancoreans are an absolutely law-abiding people, who are peaceful and orderly and resort to legal means for the redress of our grievances. This is so on account of their political convictions and habits of mind. They are essentially of a legal turn of mind and they worship law and justice. They show great respect for judges and law courts. Here, in this Council, you have noticed how obedient we are and how respectful we are to your rulings. In fact, go to the darkest corner in Travancore, go amongst the most illiterate and ignorant, you will hear the most indignant protest finding expression in these words "ഇത നൃായമല്ല". What I say is that our sense of intense legalism is woven into the very texture of our minds. Luckily for us, we live under the rule of law. No one in Travancore can be said to suffer in body or in goods except for distinct breaches of law. Not an inch of ground belonging to Travancoreans can be taken away except under due provisions of law. No tax is claimed unless it can be proved that it is legally due under the law. We are therefore under the rule of law and we are happy and contented under that rule. The principle that is involved in this section is, as I said before, the enthronement of arbitrary discretion in the place of the rule of law. I object to that. We cannot agree to that. Whenever there has been room for discretion, there has been arbitrariness. This cannot be denied. As some one said, I believe Lord Bryce, no one is fit to be entrusted with unlimited powers unless he be a saint; even if he is a saint, he is sure to abuse it. You cannot confer powers upon another unless you are certain that he will use them rightly. It is extremely unwise to confer authority for the proper employment of which there is no guarantee.

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There is yet another aspect which I should like to place before this Council. Even as a matter of public policy, this conferment of absolute powers of discretion should be discouraged. If the basis of public policy is the welfare of the people, this arbitrary use of discretion will not promote it. The people of Travancore are extremely sensitive and they can nicely distinguish between right and wrong. Any departure from the accepted standard will be magnified into serious scandals and the columns of newspapers get filled with acrimonious criticisms. Racial and communal bias is easily imported and discontent and communal strife are generated. You know, Sir, that very few people go to judges with requests for favours unless the judge be of a particularly execrable variety. But on the other hand you often find the executive officers are plagued with requests for favours of one kind or another, because the range of discretion vested in them is very large. While one is satisfied, another is dissatisfied; criticisms of official lapses will be tainted with communal or racial bias and the aspersions cast on official acts will sour official temper which will get hardened and will steel itself into hatred and opposition. For the peace and contentment of the people and for communal harmony and for the happy progress of the country, it is absolutely necessary that absolute powers of discretion under legal sanction ought not to be vested in the executive.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I second the amendment.

DEPUTY PRESIDENT: Have you got anything to say, Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Should I set forth my arguments now, Sir? I should like to do it after the Law Member's reply.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid that the object of the provision has not been properly grasped by the opposition. Let me assure them that it is not to enthrone arbitrary discretion of the Government or to give arbitrary exceptions from payment of fees or anything of that sort that this provision has been put in in the Bill. It will be noticed from the clauses already passed by the House that the exhibition of a cinema film is absolutely prohibited under certain circumstances.

Clause 3 runs as follows:

> Save as otherwise provided in this Regulation, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Regulation, or otherwise than in compliance with any conditions and restrictions imposed by such license.

It will be observed that this prohibition is absolute that except in a licensed premise the exhibition shall not be given. That may cause hardship to the people, and their freedom of action will be restricted thereby unnecessarily in many cases.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Why could you not foresee that and embody it in that clause?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will come to that. If, say, there is a casual entertainment such as a marriage party, or a private entertainment, is it necessary that they should take out a license? Suppose there is a school party in which there is a cinema show, is it necessary that they should take out a license?

MR. A. K. PILLAI (*Karunagapalli*): For that purpose you have got power under Clause 10.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Clause 10 reads thus:

"Notwithstanding anything contained in the foregoing sections, the provisions of this Regulation shall not apply to any cinematograph exhibition, not being of an indecent character, given in a private dwelling house to which the public are not admitted whether on payment or otherwise."

That exemption applies only to a private dwelling house and to one to which the public are not admitted. That clause no doubt is one case of exemption. But an exhibition to which even the public are admitted may have to be exempted sometimes.

MR. A. K. PILLAI (*Karunagapalli*): In that case, it is all a definition of the word "public", whether a party that is admitted in connection with a marriage is "public" or not.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think there can be much doubt that the persons who are invited to a marriage party are a part of the public; they are members of the public even in the popular sense, so long as they do not form part of the household.

But apart from that, take the case of a school where the inmates are certainly members of the public. The school authorities want to give an exhibition. Straightaway, they would have to go to the licensing authority and take out a license for the building. That will be a great hardship for them, for they may want to exhibit only once or twice in a year after all. Is it right to compel them to take out a license?

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Then why don't you be explicit in the legislation? Why not have it embodied in the Bill itself?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government thought that it is necessary to have a clause of this kind to relieve the public and have therefore placed this before the House. They thought that if the Bill is passed in the absolute way it will cause hardship to the people.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Then why not make the provision easier?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is therefore that the Government want a provision to exempt any class of films also. It is not necessary, for example, that the Board should examine a film that has been certified by the British Board of Censors or the Bombay Board of Censors. It may not be necessary

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that a certificate should be taken for that film in Travancore. The Government may exempt such films. In such cases, it is advisable that the Government should exempt those films also. Again, it may be that a film is objectionable for exhibition to the public but it may be that there is no objection to exhibit it to a private audience.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Are these ideas likely to present themselves before the mind of the Board?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. So, we are giving the power to the Government.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): You define the conditions under which the exemption may be given.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not possible to enumerate all the instances, but occasions may sometimes arise.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): The Bill can then be amended.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The particular necessity or occasion may not wait till legislation and it will be hard on the people. I cannot enumerate all the instances. I mentioned only some to illustrate.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): What is the harm in asking the men to take a license?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They may conduct the exhibition only for one night, not regularly throughout a year. If a school authority wants to give an exhibition for the benefit of the students once in the way, are the school authorities to go and take a license as if the school were a cinema theatre?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will there not be a proprietor or a conductor of the cinema exhibition in those cases?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is the building that is to be licensed, not the film. First of all, the place should be licensed and then the film should be certified. As far as the former is concerned, instances may occur when it will be hard to ask the owner to take a license for the purpose of a casual entertainment. Then in regard to films, take the case of a film which may be of interest to medical students. It may be lewd or indecent to the public eye, but it will be useful to the medical profession. In such cases, the Government would like to exempt the film. They must have the power to exempt such cases also. In fact, the Government fear that the freedom of the public might be unnecessarily hampered by the absolute provisions of the Bill. Therefore they have put in this clause as a safety-valve, not that the Government want to nullify the law passed by this House. It is not at all intended for the benefit of the Government, but only for the liberty of action of the public.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): But you have not mentioned that.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think I mentioned that at the time of the introduction of the Bill.

DEPUTY PRESIDENT: Do you want to say anything, Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, Sir, something remains to be said on this amendment. After hearing the Law Member, what I find is that he admits that the language of clause 9 is unnecessarily wide. On a plain reading of that clause, I find that all the apprehensions entertained by the mover of this amendment, my friend Dr. Madhavan Pillai, are quite well-founded. Then Mr. Paramesvaran Pillai defends by saying that such things are far from the intentions of the Government though the language would convey all that. One of the prime necessities of legislation is to couch ideas in appropriate language defining what is meant to be conveyed by the language. As to that, Mr. Paramesvaran Pillai says that certain welcome exceptions are now in the view of the Government which would necessitate them to do away with the provisions of this legislation as occasion may arise. But it may be that in the berth so created for welcome exceptions, a brood of undesirable contingencies may find a convenient asylum. Virtually now the position comes to this. The Government which introduces a law for the guidance of the subject say, 'we shall not be controlled by the legislation which we enact for the subject; we shall be above the law'. That is the starting point that one sees in the position of the Government in trying to enact this Section. As the provision in clause 9 stands, the Government may allow the exhibition even of an indecent film and, according to Mr. Paramesvaran Pillai, the Government may have the necessity of exempting such films. Mr. Kayyalam Paramesvaran Pillai gives the case of the medical students. But there is nothing to curtail the operation of such a desire on the part of the Government so long as it remains a private affair between the Government and the medical students. They may extend it to other persons also provided those persons by *ex parte* proceedings before the Government, to which the public are not admitted, convince them that there is need why the Regulation should be ignored. The public may be in the dark. The arguments may appear cogent to the Government. In fact, the existence of this clause, Clause 9, is intended to bring into existence two varieties of cinema exhibitors, one class which is necessarily controlled by the legislation and another which has only to seek the satisfaction of the Government and do without this legislation. Such an invidious distinction though it is liked by the Government is likely to lead to all manner of confusions. The foundation of all laws, especially codified laws, is that there must be equality between all classes of people. Here equality would not be granted. So far as the Government are concerned, they decline to be guided by a law which they would enact for the safety, morality and other good things of the public. I fail to see whether the public would look upon it as a piece of salutary legislation, whether the framer of the legislation would not undermine public faith in the

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beneficence of the legislature. It works like the case of an engineer who constructs a bridge and says that he would not walk over that bridge. In that case, would any other person walk over the bridge? Therefore this provision should be condemned. It is likely to bring into existence two varieties of exhibitors in Travancore—one, those who are willing to follow the law, and, another, those who want to get themselves out of the law by means fair or foul.

DEPUTY PRESIDENT: That is rather an exaggerated view.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How, Sir? My apprehension is that all these are possible. Therefore two varieties of exhibitors would come in. There will be a sharp cleavage in regard to the law itself. For, the Government say they would not be limited by the law. That would be a fine commentary on the Board to be created; for in disregard of the Board, the Government are at liberty to issue licenses to any set of people who want to conduct exhibitions. In the long run, under the guise that it is only an occassional deviation, say for school purposes and marriage parties, repeated attempts may be made to nullify the Regulation. Such exemptions would be open to much abuse. Suppose for instance, the Government sanction an exhibition in connection with a marriage. The licencee may use the occasion to entertain the general public and to make a profit out of it and nobody can question it. Under these circumstances, Sir, even if there may arise any necessity for the Government to exempt occasional shows, such should be specified, defined and provided for. Such a vague legislation where not only the Government appear to be above the law, but also those on whom their favour is shed have been exempted and elevated above the law, can hardly recommend itself to a body like the Legislative Council. So, in spite of the plausible explanation put forward from the official bench that the intention is quite different, that it is after all an enabling provision and the non-official members need not get themselves perturbed over it, I am not convinced of the necessity for this. My contention therefore is that this is an objectionable provision. The Law Member's explanation can never be quoted before a court of law. That is his private opinion. If he were to be on the bench to-morrow, he will not himself take into consideration his own explanation given in this Council. He will say that the only question is how the Section reads. Viewed in that light, that the Government would not resort to undesirable things is absolutely no solace to the Legislative Council as it is constituted at present.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Are there not other Regulations where a similar power to exempt is provided?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, there are certain Regulations on the Statute Book. But when they come before this Council, it will be our duty to oppose them tooth and nail.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Should the existence of such a Section in other Regulations be any reason for adopting it as a formula?

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No. Such a thoroughgoing provision as this which would even give the Government power to disregard the decisions of a Board appointed to go into the question is not proper.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Has not this Council passed a clause to the effect that the right of appeal may be given to the Government?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is a different provision. Let the Government pass any decision they like on appeal, but this is a clause which says that the Government may exempt any cinematograph exhibition or other class of exhibitions from any of the provisions of this Regulation. In that case, why do we need such a Regulation? It is enough if we apply to the Government.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Should not a law enacted in some degree reflect the opinion of the day?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the usual rule of legislation. But here, as far as I know, the public do not seem to count much.

For these reasons, I have very great pleasure in seconding the motion of Mr. Madhavan Pillai and in opposing the opposition of my friend Mr. Paramesvaran Pillai.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I am sorry I could not support the amendment for the deletion of this clause. To me it appears that it is a very wholesome provision, namely, the provision for exemption from certain restrictive conditions imposed upon the subject by this statute. In other words, I consider this Section to be in favour of the subject and not in derogation to his rights. Sir, this Regulation, I need hardly say, is a special law imposing certain conditions and restrictions upon the free exercise of the rights of the subject.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Would my friend similarly allow the Government to exempt persons from the Penal Code for the freedom of the subject?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I will try to answer my friend later on to the best of my ability. My friends who supported the amendment would not be unaware of the provisions in similar special enactments relating to licensing as well as taxation. I would refer them to the Municipal Regulation as an instance.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Municipal Regulation was passed by this Council?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, it was passed by the Travancore Legislative Council.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): As it is constituted at present?

MR. G. PARAMESVARAN PIALAI (*Neyyattinkara*): It is too much to expect that one Council would be able to pass all the Legislative measures.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Because another Regulation has been passed, would it exempt him from supporting this measure now?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think all the non-official members are at liberty to express what they feel and it is my conviction that this amendment should be opposed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it because there is a similar provision in another Regulation passed previously?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think my friend will be patient enough to allow me to proceed; he can then form his own conclusions. The Government now say that they are prepared to exempt, in certain cases, certain classes of cinema exhibitions for particular reasons from the operation of the restrictive provisions.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Can he mention one instance?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): As was rightly pointed out by Mr. Kayyalam Paramesvaran Pillai, there may be films already certified and licensed by the British Indian authorities. There is no reason why we should go through the formalities of the provisions contained in this Regulation in regard to the certification of such films. Again, there may be casual performances of cinema exhibitions, for instance during the time of religious festivals. The Trivandrum city is not unaware of the series of cinema exhibitions which related to the birth of Lord Sri Krishna and other similar films. It may be that some people might think of exhibiting films on such occasions. In such cases, it is not at all necessary that they should be forced to comply with all the conditions that are imposed upon them by this Regulation. My friends may also be aware that they may have to pay fees. I rely upon my friend Mr. Madhavan Pillai's suggestion that the Government may by virtue of this provision exempt some persons from such payment. I accept this as a wholesome provision, because it is not in every case that payments should be insisted upon. Exhibitions which have a religious or educative value should be free and there should be no unnecessary conditions imposed upon such exhibitions.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does not the Municipality do such things?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): They have the power and they have exempted. I will also quote the Section in the Municipal Regulation with regard to it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will not this be done by the Licensing Board?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is not a Licensing Board. It is only a Certifying Board. The Board will have to certify but it may be noted that the Municipal Regulation also contains a provision in this matter.

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[Mr. G. Parameswaran Pillai.]

This Council should not forget the principle upon which such a legislation is enacted. The main object we had in view when we affirmed the principle of the Bill was to prevent indiscriminate use being made of cinema exhibitions so as to undermine the moral well-being of the people. It is only for this purpose that they have regulated such exhibitions. Such conditions are imposed wherever necessary. If it is not necessary, the Government would not have thought fit to impose such restrictions. The restrictions should as far as possible be in the minimum and the Council should not push them to a maximum. It would be very unwise on the part of the Council to assume an attitude which even the Government are not prepared to take.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): How did the member discover all these good intentions of the Government in the wording of the Section ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Unless the Government have got power to exempt, how can they exempt ? If they are not invested with this power, it will be a source of injury to the public.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the injury likely to arise ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): A very rigorous enforcement of the provisions without any saving clause will certainly tell heavily against the interests of the public.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Can they not make rules defining them ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is exactly why the Government want that provision. Unless there is an express provision authorising the Government to exempt certain classes of persons or particular cinema exhibitions, they cannot exempt them. It is just for the purpose of enabling them to frame rules that they want this provision.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Clause 9 does not refer to any rules.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is a provision in the Regulation empowering them to frame rules. The subject matter of the rules should be guided by express provisions in the statute. Here is an express provision which authorises the Government to frame rules. Without this provision, they are powerless in the matter. I am only surprised that this side of the House should contest a position which is entirely in their favour.

MR. A. K. PILLAI (*Karunagapalli*): Does not Mr. G. Parameswaran Pillai see that all these considerations are covered by clause 10 ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Clause 10 deals with only one specific instance. Clause 10 reads thus :—

"Notwithstanding anything contained in the foregoing Sections, the provisions of the Regulation shall not apply to any cinematograph exhibition, not being of an

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[Mr. G. Paramesvaran Piliai.]

indecent character, given in a private dwelling house to which the public are not admitted whether on payment or otherwise".

It does not contemplate cases which I instanced, *viz.*, religious festivals or educational exhibitions. Such matters are not covered by clause 10. It deals with only a particular instance; as a matter of fact, I ask the House how this Section will operate against the interests of the public? The Regulation *ipso facto* imposes certain restrictions upon the free exercise of such right. If you find exceptional circumstances, it is desirable that such exemption should be granted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Suppose the Government order that an indecent film may be exhibited?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I suppose that any Government will be too reasonable for that. I know what Government is. I am sure that no Government will be so disreputable as to go down to that level.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it not then open to any member of this House to bring forward a Bill to repeal or amend this provision?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But who will guarantee the continued sobriety of the House?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What happened in the case of Mr. Changanachery Paramesvaran Pillai's attempt to introduce the Partition Bill?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not know how that is relevant here.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Mr. G. Paramesvaran Pillai was saying that any member of the Council can repeal any provision in any Bill.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): With regard to Mr. Changanachery Paramesvaran Pillai's demand, that must have rested on different grounds. Perhaps the Government may have had their own reasons in deciding that question in the particular manner they did. I am not aware.

DEPUTY PRESIDENT: If it is a matter affecting public revenue, it should receive the sanction of the Government.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): This certainly is no financial Regulation or a fiscal Regulation. The Cinema Regulation is enacted to regulate the exhibition of certain films. In similar enactments, in other parts of India, we find that similar exemptions are provided for. My own impression is that it is due to a misconception of the scope of the Section that this opposition has arisen.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know whether the previous provisions are salutary and intended for the best interests of the general public.

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I take the Regulation as a whole. I do not take into consideration particular Sections.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My question is whether the previous clauses are needed.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): They are. With this clause, they will operate in favour of the public; without this exemption, they will operate against the public. This exemption will take away a considerable amount of nuisance which will otherwise be caused by the rigorous enforcement of the rules.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any need for the previous provisions?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is not a question to be put for an answer. Because the question ought to be whether the provisions of this Regulation as a whole are acceptable or not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If this provision is a salutary one, would he be content with that single provision alone, *viz.*, that the Government are at liberty to grant license to anybody as they want?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That will never be decent legislation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is this the only objection?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There are others too. We have already discussed the previous provisions of the Bill and we need not go back now. I think that this clause is really a saving clause for the whole Regulation and it will be extremely unwise to delete such a clause.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the provision in question, is there anything to prevent the Government from enforcing the provisions more rigorously?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): If I am correct in understanding the member, what the member says is that the Government will not take action under clause 9 whenever action is necessary. I expect that the introduction of this Section in the Regulation is intended by the Government to be made use of whenever occasion arises.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): As a matter of principle, will the member support the rule of discretion or the rule of law?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is too broad a statement to be laid down in discussing the merits of this particular provision. The rule of law is perhaps the only welcome rule that I could think of and I suppose that there can be no difference of opinion about that.

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MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member think that the Government should relax the rules in some cases?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*: Yes. Wherever they deserve to be relaxed, the rules should be relaxed.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does the member concede that this Regulation is intended for the safety of the people?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is not only for the safety of the people. It is also for the preservation of the morality of the people and other objects. I do not think the Government will exempt this rule in favour of immorality and indecency.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): When he concedes that the Regulation is for the safety of the people, why should there be any exemption at all?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There might be truly deserving cases.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Are there truly many deserving cases?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There are very many cases. A gentleman of the standing of Mr. Sivarama Panikkar should know it better.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know what this Regulation is intended for?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is now too late in the day to explain the objects and reasons of this Regulation.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I believe that the discretion should not be arbitrary with regard to the powers vested with the Government.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It will certainly be based upon certain general and definite principles.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What are the limits that you have set on the power of discretion?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I suppose that is a matter which has to be decided later on. There is no constructive proposal before the House now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Without limits, will not the power be exercised arbitrarily?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is nothing arbitrary in it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then what limits have you set to check arbitrariness?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): No limits except those which are considered reasonable.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): So you rely upon human nature?

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I rely on the reasonableness of the authorities who will hereafter declare what should be exempted, because it is only by virtue of rules that you can decide it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Could it not be done by individual orders?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Individual orders will have to be based upon certain principles which the Government will set out before them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Where is that provided for?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Why should it be provided for? How can you put forward a particular case in a statute of this nature? I do not expect any reasonable person would require it.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the view taken by the member arises out of implicit faith in the Government?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Certainly not, upon something more than that.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Sir, I support the amendment brought forward by Mr. Madhavan Pillai. I do so on certain important principles which ought to guide legislation and general State policy and also on considerations of practical expediency. In regard to the principles involved, the first thing that I have to point out is what has been suggested by a question put by Mr. P. K. Narayana Pillai. If the object of legislation is merely to confer certain unlimited and autocratic powers on the Government, then all this paraphernalia of the Legislative Council, and, to come to particular instances, all these special provisions of this Regulation, are unnecessary. Instead of all these provisions, one single provision would have been sufficient. Instead of Section 9, in Section 1 itself, after the preliminary portions of the Bill, it is enough if you simply say that "Government are hereby empowered to do everything that is necessary for the grant of license or for the control of cinema exhibitions in the State". That one provision would have been sufficient. Of course, it is clear that in all civilised States and in all semi-civilised States, where legislative bodies are in existence, the object of legislation is to make things definite, to enact certain definite rules by which the people can be guided and which also ought to be binding upon the authorities. The first principle of a civilised or of a semi-civilised Government which wants to ensure the liberty of the subjects and the welfare of the subjects is that the Government officials should be under the law. They should not place themselves above the law. It has been pointed out that the motives of the Government are very innocent, not only innocent, but that they are meant for the public good. It may be so. If you examine history you will find that no Government have up to this time stated that their object is against the public good. Of course, all Governments have been

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claiming arbitrary powers in the name of the public good. So, when any Government comes forward and says that it would not abuse any special provision by which arbitrary powers are conferred on it, we cannot as legislators accept that argument. We have to see that definite rules are laid down. That is our duty. So, on that ground, I support the amendment.

Mr. Kayyalam Parameswaran Pillai has been pointing out that, in practice, it may be necessary very often to exempt certain kinds of exhibitions. I submit that there is no such necessity. All such cases are provided for in the Regulation itself. The examples pointed out were those of educational exhibitions, exhibitions in medical schools and also those for the benefit of marriage parties. Section 7 (1) says:—

"The Government may, by notification in the Government Gazette, constitute a Board consisting of officials and non-officials for the purposes of examining and certifying films as suitable for public exhibition. The certificate of the Board shall be valid in such area as may be specified in the certificate."

Well, in the case of a school exhibition or a medical exhibition or a marriage exhibition they have only to approach the Board for such purposes. All these things can be dealt with by the Board itself and carried up to the Government if found necessary.

Even on considerations of practical expediency, I do not see any necessity at all for conferring such powers on the Government. As has been ably pointed out by my friend Mr. P. K. Narayana Pillai, this will have a very demoralising effect upon the people, because the Government after having made certain laws take the power to over-ride them. Of course, the Government in the abstract may be above all evil influences. But we know that Government in the concrete—I mean the Government officials—are liable to all the human weaknesses. They are liable to be influenced by favourities or by scheming persons. So, when we make a law, we should provide for all those things. Government is a human institution. We should not regard it as a superhuman institution and give superhuman powers to it. Only limited powers should be conferred upon the Government. Some cinema managers or cinema owners will be able to get the favour of the officers of the Government for the time being and they will be able to compete to the disadvantage of other cinema companies. That is unfair. All the cinema companies should be under the same laws as has been pointed out by Mr. P. K. Narayana Pillai. Therefore, this provision is liable to demoralise the public as well as cinema managers. They will seek to curry favour with the officials of the Government for the time being and try to get concessions. All these things are in our experience. Many things are done by the officers of the Government to the disadvantage of the general public and to the special advantage of certain special persons. All these things should be considered before we enact such a wide provision. On these considerations, I support the amendment.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Sir, I should like the Law Member to tell me if possible whether the

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[Mr. K. C, Mammen Mappiallai.]

existence of this provision will place it within the power of the Government to render absolutely non-existent the whole Regulation which is now being enacted, whether they can in writing exempt any exhibitor from every provision of this Regulation or from any rule made under this Regulation. Am I right in saying that this clause confers upon the executive the absolute right to render nugatory the whole Regulation which is now being passed? I should like to be enlightened by the Law Member.

DEPUTY PRESIDENT: He cannot answer now.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): If it is possible for him to enlighten me, I should like to hear him. Anyhow, I assume on reading carefully the provisions of the clause that it confers upon the executive absolute freedom to render nugatory the whole Regulation as it is now being passed. (Mr. P. K. Narayana Pillai: *Hear, hear.*) If I am right in my surmise that this clause confers upon the Government such a power—leaving aside the fact that the Government may not use that discretionary power—if the net result of the existence of this clause is to place such a power in the hands of the Government, I cannot at all understand the necessity for passing such a Regulation. The Government have got all powers now. All progressive Governments are gradually divesting themselves of irresponsible power and voluntarily placing themselves under constitutional checks. Being an enlightened Government, this Government also, we are glad to think, are day by day placing more and more restrictions upon their own powers. Here, if what I have surmised is the object of this provision, what they are giving with one hand, they are taking away with the other. I hope the Law Member will enlighten the House on that point. There may be extreme cases where there is sufficient provocation for the use of such a power. As Mr. Raman Menon pointed out, there may be two or three exhibitors, one of whom may be in the good grace of the Government and the others may be for political or other reasons in the bad grace of the Government at the time; does this clause confer upon the Government the right to favour unduly one of them and at the same time to ruin the others by refusing a license to them without any justifiable reasons? We should not assume that the executive would be always free from frailties. Human nature being what it is, sometimes there may be temptations for the executive to use their powers arbitrarily. Therefore, I would not at all support the retention of this clause in the Regulation.

MR. A. K. PILLAI (*Karunagapalli*): Sir, I wish very much I could see eye to eye with Mr. G. Parameswaran Pillai in his defence of the clause. I regret I cannot do so. I should not grudge any amount of power to the executive if I could expect that the executive would be subordinate to the legislature. But here, Sir, we are not having an independent Government. We know that extra-territorial influences would be brought to bear upon the Government officers and, as it has been suggested in the course of the argument on the other side, there may be cinema managers who might have their films certified in British

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India and, who could easily get a free pass here. I could even imagine their taking a recommendation letter from a high placed official or from such persons as Dewan Bahadur T. Raghaviah, or Sir P. Rajagopalachari or Sir Todhunter and approach the authorities to give them a free pass. So these practical considerations ought to bear upon us in considering whether any amount of power can be given to the executive to make it free agents. In the present condition, the executive will be but the agents of extra-territorial powers. That is the danger. Provided the executive is under the control of this House, I have no objection to have it very strong even as the master would like his servant to be a very strong man and a right man. That is my position.

The considerations that have been suggested by my friend Mr. G. Paramesvaran Pillai are really worthy of being looked into. He said that moral instruction might be imparted by means of bioscopes and cinemas. They can be utilised for educational purposes. For that matter, as I have suggested in the course of my question, it is enough if we just modify clause 10. I cannot support clause 9. Clause 10 may be modified thus:

"Notwithstanding anything contained in the foregoing Sections, the provisions of this Regulation shall not apply to any cinematograph exhibition, not being of an indecent character, given in a private dwelling house *or for educational purposes*, to which the public are not admitted, whether on payment or otherwise."

So, if only the Law Member would take the trouble of bringing that amendment in the third reading, I think both these clauses could be combined. Now after having taken the trouble in matters of detail with regard to the foregoing clauses, it is not right to say that the Government shall have the power to set at nought all those things. As has already been pointed out by Mr. Raman Menon and others, such a thing will have a very demoralising effect upon the whole legislation. When we make a law, we make it also for the Government to follow. I do not agree with my friend Mr. G. Raman Menon when he said that the Government seek to be above law. It is just for that purpose that the Law Member has asked us to allow them the use of this extraordinary power whenever occasion arises. I take the assurance of the Law Member when he said that the Government have the well-being of the subjects in their hearts. But let us not forget that. We are making laws not only for this regime or generation, but also for generations to come. We will therefore have to consider the whole question on its own merits. So, what I would say is that clause 10 might be sufficiently enlarged to provide for the suggestion made by Mr. G. Paramesvaran Pillai and this clause might be omitted altogether. Therefore, I support the amendment for the deletion of this clause.

MR. M. SIVATANU PILLAI (*Tovala*): But for the fact that Mr. G. Paramesvaran Pillai took up a most peculiar position in regard to the amendment, I would not have risen to speak. I believe that his point of view was entirely based upon his mental attitude when he feigned to enter into the question from a detached standpoint. He proceeded with the argument that we have been considering certain provisions brought before this House for consideration and he conceded that most of the

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[Mr. M. Sivatanu Pillai.]

provisions contained in the Bill and which have been so far passed are really capable of working hardship to the people at large but that this saving clause comes with all grace in the end to give them some loophole to escape this Regulation. That is his point of view.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not know, Sir, if I have been correctly interpreted.

MR. M. SIVATANU PILLAI (*Tovala*): He admitted that most of those provisions would really work great hardship to the public at large and this provision to which the amendment is proposed is intended to enable the Government to give exemption to deserving cases. That is the point of view taken by Mr. G. Paramesvaran Pillai if I have understood him correctly. He argues that he has implicit faith in the intentions of the Government. I believe he has misunderstood what is meant by Government. I always understand Government to be an executive body intended to carry out the intentions of the legislature through the progressive road. I do not associate the term Government with any person or body of persons. I always associate Government with a particular system or machinery intended to carry out the principle laid down in so many Regulations and Rules brought before the legislature for consideration and finally passed. The principle has got to be laid down by this legislature and the executive should be asked to administer the law as contained in that legislation. My friend in order to defend his position, of course, forgot the elementary principle implied in the object and intention of this clause. In this connection, I may recall that we are imitators of the British Indian Act. I also understand that the Britishers have got a greater respect for constitutionalism than for anything else.

DEPUTY PRESIDENT: I think that you are travelling far into other matters. I cannot allow this.

MR. M. SIVATANU PILLAI (*Tovala*): If at all we want to imitate, we must imitate well. In British India, the people pay more respect for the decisions, for the right power of the legislature than it is prevalent here. This amendment is very necessary to check and guide the executive. So, I have very great pleasure in supporting the amendment of Mr. Madhavan Pillai.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know when we will rise?

DEPUTY PRESIDENT: I should like to get through the Bill if the House is agreeable to it.

MR. N. KUMARAN (*Nominated*): We will sit a few minutes more and finish it off.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Sir, this is one of those cases on which there is much to be said on both sides. When I read this clause for the first time, it struck me that it was far too wide and sweeping a provision and that it has the effect of arming

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the Government with arbitrary powers which might be very easily abused. It appears to me that any other man reading the clause as it now stands without any explanation would come to the same conclusion. There is nothing in the statement of objects and reasons to explain the purpose for which this clause is enacted. There was no discussion at the Select Committee in regard to this clause. But there was only Mr. Madhavan Pillai's dissenting minute which gives certain reasons for disallowing that clause. It was only when I read Sir William Vincent's speech introducing a similar Bill in the Legislative Assembly, which my friend Mr. Piraviperumal Pillai lent me, that I knew that this clause was not intended to arm the Government with arbitrary powers but only to exempt certain classes of performances such as at marriage and religious festivals and so forth from some of the provisions of the Bill. But the meaning of the clause is not to be gathered either from the intention of the Government or of the Law Member but from the plain meaning of the words used. It is a well-settled rule of law that discussions in the Council cannot be used for the purpose of interpreting the clause. I have no doubt therefore that misapprehensions will arise. At the same time, it appears to me that when enacting a measure with such stringent provisions applicable to all classes of performances, it is necessary that the Government should have some powers of exempting certain classes as those mentioned in Sir William Vincent's speech. It appears to me therefore necessary to make the meaning clear by enumerating specific instances, to which the clause may be applied in order that the power may not be abused. If some such indication is given of the classes to which the clause is intended to be applied, it seems to me that the objection on this side of the House will be removed. But if it is left as it is without any indication of the classes to which that clause is intended to be applied, then it is liable to misapplication and misconstruction.

It is also liable to be used for the purpose of showing partiality and also invidious distinction might be made between one class and another. In order to avoid such a difficulty, it is better to enumerate three or four cases of similar nature. Therefore it appears to me that both in the interests of the Government as well as of the public, this clause has to be amended by specifically mentioning instances to which this clause would apply. If this is done, much of the objections will vanish. So, I would invite the attention of the Law Member to this aspect of the case. In doing so, I neither support nor oppose the amendment.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What does the member say in regard to Government exempting the class of films certified by the Bombay Board of Censors or other such competent Boards?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I have no objection to such films being exempted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How to safeguard the safety of the public in regard to places where the exhibition is to be held? That is also a matter which has to be considered.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): That also may be indicated. A few specific examples might be cited if possible.

MR. A. K. PILLAI (*Karunagapalli*): Is it not enough if these amendments are made to clause 10?

MR CHANGANACHERY K. PARAMESARAN PILLAI (*Quilon*): It does not matter in which clause these changes are made.

MR. A. K. PILLAI (*Karunagapalli*): In clause 9, we are empowering the Government to exempt particular films. It is clause 10 that deals with definite conditions under which films may be exempted. That is why I suggest that these amendments might be made to clause 10.

DEPUTY PRESIDENT: That is a matter of detail which the Law Member might be able to adjust later on.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I was all along under the impression that this Bill is enacted in the interests of the public. But this provision has entirely twisted my views to some other direction so much so that I have to think that this Bill is enacted for restraining or benefiting individuals from operating hereafter. If I have correctly understood the object of the Bill, this provision cuts at the very root of the Bill. Mr. G. Paramesvaran Pillai stated that he has complete confidence in the reasonableness of the Government and that therefore there is no harm in investing the executive with such powers.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I never said so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Probably then the member has no faith in the reasonableness of the Government.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not say either way.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am also under the impression that the present Government may not misuse such powers. But there is no guarantee that the personnel of the existing Government will continue for ever. To-morrow, the Government may change their policy. The particular provision has therefore to be interpreted or brought into operation by them. In so doing, the Government will change their attitude, and so long as this provision remains, it will go on operating for ever. Therefore, I say this power should not be given to the Government to be used as their discretion may suggest as individual cases occur.

Secondly, there is another point to be considered, *viz.*, the impairing of the public safety that is at the bottom of the question. In the argument advanced by Mr. G. Paramesvaran Pillai in support of the provision, he said that there are similar provisions in Bills passed by the House previously. Even if there is a similar provision in other Bills passed by this House, I do not think that members are bound by it. Mr. Paramesvaran Pillai's argument in this connection does not appeal to me, for if that is the argument for retaining this clause, I say that it is no argument at all. On any ground, these provisions give a good deal of power to the executive which they may use so long as the language of the provision allows them. We cannot believe that the

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Government would not misuse the powers given under this provision. When we legislate, we should take all precautions especially in the matter of investing the executive with unlimited powers. What I beg to submit is that as it is, the provision vests a lot of power in the hands of the executive and we do not know when the Government would use their powers properly. So, I am for the deletion of this particular provision.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I have very few words to add. Struggle everywhere seems to be for exemption from the exercise of arbitrary power.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): Every rule has an exception.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I understand it. What this Council is called upon to do is to place the people under the rule of arbitrary discretion, and the rule of arbitrary discretion, to my mind, Sir, is an impossible one and no legislature having responsibilities to the people ought to encourage it. My friend Mr. G. Parameswaran Pillai started by saying that those who differed from his view were under a misconception of facts, although I was not able to pick up all the pearls of wisdom that he let drop on the floor of the House. From what I heard, I am led to believe that there is more misapprehension on his side than on mine. He says that this provision is intended in the interests of the cinema exhibitors. I thought the aim of law was the interests of the people at large and if at all against individual interests. By the powers of exemption the individual interests are encouraged even against those of the people. Mr. G. Parameswaran Pillai seems to me to be wrong so far. As regards this Section, I must again repeat that, by suspending the operation of one Section after another, it is possible for the executive to declare the whole enactment null and void. The Law Member was greatly impressed with the necessity of an enactment of this kind at first. But he is now greatly embarassed over securing powers of exemption from the operation of the Regulation itself. That is a curious situation. I have no doubt that this Section if retained will have the effect of rendering the whole enactment a dead letter.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Let me once again assure the House that the power sought to be conferred on the Government under this section is not for the exercise of any right or liberty of the Government. It is merely intended for enlarging the liberty of the subjects liberty which has been curtailed by the previous provisions.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are not the previous provisions that have been enacted intended for the safety of the public?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does not the present provision favour the rights of particular individuals?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not necessarily. Because of the absolute nature of the other provisions of the Bill, the Government fear that cases may arise where the public feel unnecessary and avoidable hardships. They therefore considered it desirable to make a provision to enable them to relax the restriction in fit cases to enable the people to have greater freedom to make legitimate use of cinematograph.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Would not this provision minimise the safety of the people?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not in the least. This provision has been introduced in order that people should not be prevented from exercising their legitimate rights. The same provision occurs in the British Indian Act, in the Mysore Act and in the Pudukotta Act. The Government certainly have no objection to enumerate the specific cases in which alone exemption could be granted—if that were possible. Mr. Changanachery Paramesvaran Pillai pointed out that a similar provision was introduced in the Legislative Assembly by Sir William Vincent. It was not possible for them to enumerate the several cases in which exemptions could be made. I do not deny it would be advantageous if it had been possible for us to enumerate the exemptions. My only objection to it is that it is not practicable. If Mr. Changanachery Paramesvaran Pillai or any other member had any practical suggestions, I would certainly have been very glad to accept them. Let me once again assure the House that this provision is not at all intended for the exercise of any right or liberty of the Government.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know whether the Law Member is willing to change the wording of the Section in the light of the explanation he has now given us?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If any other wording is suggested, I am quite willing to consider it. The object of the provision is only to provide for casual entertainments as on marriage and other such occasions. This provision has been included in this Bill with the same object as that with which, as Mr. Changanachery Paramesvaran Pillai pointed out, a similar provision was introduced in the British Indian Act.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Are the conditions of the great Indian Empire similar to those of Travancore?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That general question does not arise now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then why did he rely on the provision that has been enacted there?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am only pointing out, as Mr. Changanachery Paramesvaran Pillai did, that our object is the same as that with which a similar provision was enacted by the Indian Legislative Assembly and that

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they also must have found it difficult and impracticable to enumerate the cases in which alone exemption could be granted.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did not Mr. Changanachery Paramesvaran Pillai suggest that it might be possible to enumerate at least a few instances to serve as a guide?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be. But it will not be exhaustive and my own opinion is that it is not practicable. The best that we could do is to put it in the general way in which it has now been worded expecting that the Government will use the power only in the case of private entertainments and such other cases and will not abuse their power.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is the Law Member sure that the Section, as it now stands, conveys the object which as he says the Government have in view?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I am glad that there are at least some members on the other side of the House who have appreciated the meaning of the Section. They only said that the Section is not very expressive and does not fully and clearly express the object that the Government have in view. We find the same provision in British India, in Mysore and in Pudukotta. This provision is not only harmless, but is even very necessary. Otherwise, there will be unnecessary restraint on the rights of the people.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): Does the Section empower the Government to exempt any cinema theatre from the operations of this Bill?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. At any rate, that is not the object of the Section.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): I do not speak of the object of the Section. I only wanted to know whether the Section, as it is worded at present, does empower the Government to exempt any cinema theatre from the provisions of this Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am inclined to think that it does not. But of course no statute is lawyer-proof.

MR. T. J. MATTHEW (*Changanachery* cum *Peermade*): If that is the interpretation which the Law Member would put on that Section, would it not be better if the Section is made more clear?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not possible to enumerate the several cases in which exemptions might be granted. That is the reason why the Section has been worded in this general manner.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): A few instances, like marriage festivities and other such occasions, might be mentioned by way of example.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will not be exhaustive, and the Section will be as vague as it is now.

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MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Are the exemptions to be granted only in conformity with any definite set of rules framed for the purpose or are they to be granted at the will and pleasure of Government?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As the Section stands at present, the exemptions need not necessarily be granted in pursuance of any rules. But there is no harm in framing rules for the purpose to the extent that it is possible to make them specific.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Will the Law Member assure the House that rules will be framed prescribing the conditions under which the exemptions are to be granted?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will be considered. But, none the less, I do not think there is any harm in granting exemptions in individual cases also whenever there is a legitimate need for the same.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Will the rules be passed through this Council?

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. That point has already been answered by me, I think.

The amendment was then put to the vote of the House and lost.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES.—13

1. Mr. A. K. Pillai.
2. ,, C. P. Kochukunju Pillai
3. ,, T. Kumara Pillai
4. ,, K. Madhavan Pillai
5. ,, K. C. Mammen Mappillai
6. ,, Kallur Narayana Pillai
7. ,, P. K. Narayana Pillai
8. Mr. K. P. Nilakanta Pillai
9. ,, G. Raman Menon
10. ,, K. Sivarama Panikkar
11. ,, M. Sivatanu Pillai
12. ,, S. Subrahmanya Karayalar
13. ,, K. K. Thomas

NOES.—26.

1. Mr. I. C. Chacko
2. ,, Paul Daniel
3. ,, R. Dhanukoti Pillai
4. ,, K. George
5. ,, Habeeb Mahomed
6. ,, A. J. John
7. ,, K. I. Joseph
8. ,, C. Kerala Varma Koil Tampuran
9. ,, R. Krishnaswami Aiyar
10. ,, R. K. Krishna Pillai
11. ,, N. Kumaran
12. Dr. N. Kunjan Pillai
13. Mrs. M. Poonen Lukose
14. Mr. K. V. Natesa Aiyar
15. Mr. R. Padmanabhan
16. ,, G. Paramesvaran Pillai
17. ,, Kayyalam Paramesvaran Pillai
18. ,, K. N. Ramasubba Aiyar
19. ,, T. P. Ramasubba Aiyar
20. Rao Bahadur K. V. Rangaswami Aiyangar
22. Mr. S. C. H. Robinson
23. ,, V. S. Subrahmanya Aiyar
21. ,, M. Subrahmanya Pillai
24 ,, C. P. Tarakan
25. ,, Tariatu Kunjitomman
26. ,, A. J. Van Ross

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NEUTRALS—4.

1. Mr. X. G. Lopez
2. „ T. J. Matthew
3. Mr. Changanchery K. Parameswaran Pillai
4. „ S. Piraviperumal Pillai

The amendment was declared lost.

The following amendments being identical were not moved :—

MR. G. RAMAN MENON :

Delete this clause.

MR. P. K. NARAYANA PILLAI :

Delete this clause and renumber the subsequent clauses.

DEPUTY PRESIDENT : The question is that Clause 9 do form part of the Bill.

The clause was added to the Bill.

Clause 10.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I move the following amendment.

Omit the words "not being of an indecent character" in line 2 of clause 10.

I move this amendment to know whether the Government are particular about the exhibition of cinema films in private houses to which the public are not admitted.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I second it.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No doubt, the Government do not want to pry into the household secrets, but at the same time they do not want that pictures of an indecent character should be exhibited there.

The amendment was put to the vote and lost.

The following amendments were not moved :—

MR. P. K. NARAYANA PILLAI :

Line 3 Substitute the word "held" for the word "given."

MR. P. K. NARAYANA PILLAI :

Add the following as the last clause :

"The provisions of the Code of Criminal Procedure would apply to all trials, convictions, sentences or orders under this Regulation.

DEPUTY PRESIDENT : The question is that clause 10 do form part of the Bill.

The clause was added to the Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I move that the Cinematograph Bill as amended be read at a subsequent meeting and passed.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*) : I second it.

The motion was carried.

The Council adjourned at 5-25 P. M. to meet again the next day at 11-30 A. M.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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